

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) CRIMINAL CASE NO. CCB-16-0267
DANTE BAILEY, et al.,)
Defendants.)
_____)

Wednesday, April 3, 2019
Courtroom 1A
Baltimore, Maryland

BEFORE: THE HONORABLE CATHERINE C. BLAKE, JUDGE
(AND A JURY)

VOLUME X

For the Plaintiff:

Christina Hoffman, Esquire
Lauren Perry, Esquire
Assistant United States Attorneys

For the Defendant Dante Bailey:

Paul Enzinna, Esquire
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Reported by:

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1 For the Defendant Randy Banks:

2 Brian Sardelli, Esquire

3 For the Defendant Corloyd Anderson:

4 Elita Amato, Esquire

5
6 For the Defendant Jamal Lockley:

7 Harry Trainor, Esquire

8 For the Defendant Shakeen Davis:

9 Paul Hazlehurst, Esquire

10
11 For the Defendant Sydni Frazier:

12 Christopher Davis, Esquire

13
14 Also Present:

15 Special Agent Christian Aanonsen, ATF

P R O C E E D I N G S

(10:14 a.m.)

THE COURT: Good morning, everyone.

MS. HOFFMAN: Good morning, Your Honor.

MR. DAVIS: Good morning, Your Honor.

THE COURT: Let's see. If I could see counsel at the bench.

MR. HAZLEHURST: Your Honor, all the headsets, I think, were recharged overnight for the defendants.

(Bench conference on the record:

THE COURT: Are we okay?

I wanted to let you know what -- I had told you before about Alternate Juror No. 2. His employer did send an e-mail -- well, actually had him send an e-mail to Ms. Moyé in which the employer says that it is a hardship for them not to have this gentleman, at his address.

He is still quite firm with Ms. Moyé that he's getting some of his work done, teleworking, other hours. It's not a hardship. He does not wish to be excused from the jury.

MS. AMATO: That's interesting.

THE COURT: Unless -- I'm telling you. I wanted this to be on the record. But I don't see any -- personally, I don't see any need to do anything. Obviously, if he changes his mind, if he comes forward and says it is a hardship, that would be something else to evaluate.

1 But right now he thinks he's doing okay.

2 On that, I'm going to be telling the jury perhaps
3 today what I know about the schedule so far next week is that
4 we will be a half day on Monday, stopping at 1:00.

5 Full day Tuesday.

6 Not sitting Wednesday.

7 Not sitting Friday.

8 I am still hopeful we'll be sitting Thursday, but I
9 don't know the answer yet. That's depending on Judge Russell.
10 So do not schedule stuff for Thursday, because I hope we're
11 going to be in court.

12 **MS. AMATO:** Okay. All right. The sooner you could
13 tell us, Your Honor, though, the better, only because I have a
14 CLE that I'm definitely going on Friday since we're not
15 sitting. It's in Charlottesville. It starts on Thursday. So
16 I hadn't planned, obviously, to attend on Thursday. But if
17 we're not sitting, then obviously I would need to know sooner.

18 **THE COURT:** I'll see Judge Russell at the bench
19 meeting today. I'll ask him if he has any updates.

20 **MS. AMATO:** Thank you. Appreciate it.

21 **MR. HAZLEHURST:** Just wanted to alert the jurors,
22 tomorrow is Opening Day for the Orioles, so it's going to be a
23 parking mess, at the very least.

24 **THE COURT:** Yes. I think they would be okay for
25 parking, given that they come in pretty early. But I will

1 certainly mention it at some point, and there may be traffic
2 jams for all of us.

3 **MR. HAZLEHURST:** And the garages tend to limit the
4 people in the morning because they want to get people who are
5 paying the higher rate in the afternoon for the game, so they
6 will be -- there will be some parking problems even in the
7 morning.

8 **THE COURT:** Do you know if they accept --

9 **MR. HAZLEHURST:** Like the Arena Garage I know,
10 basically, they'll limit the -- they won't take all the people
11 who normally come in in the morning because they're going to
12 try to reserve spots for the higher payers in the afternoon.

13 **THE COURT:** Interesting.

14 **MR. HAZLEHURST:** A little parking piracy, if you will.

15 **THE COURT:** Anything else? You can all go back and
16 sit down unless there are any other issues or anything.

17 **MS. HOFFMAN:** No. For the record, we agree with
18 Your Honor's assessment about Alternate Juror No. 2.

19 **MS. AMATO:** And the same as well. I mean, if the
20 juror himself explains reservations, then that's different.

21 **THE COURT:** Yes. Okay. All right. Thank you.

22 **MS. HOFFMAN:** Thank you.)

23 (Bench conference concluded.)

24 **THE COURT:** All right. Any issues before we bring in
25 the jury?

1 **MS. HOFFMAN:** Your Honor, I did want to address the
2 exhibits notice issue again that we've discussed now a couple
3 times.

4 Last night Ms. Perry flagged for defense counsel some
5 of the specific wire calls and iCloud exhibits that she plans
6 to use today. And Ms. Whalen stated that she believed that it
7 was a late disclosure and that she may need to ask the Court
8 for a recess.

9 And I wanted to put on the record again that it's not
10 our understanding that Your Honor required us to provide a
11 specific itemized list of every single exhibit that we're going
12 to be using with every single witness in this case.

13 And as we've explained several times, we're not able
14 to do that. It's extremely onerous. We don't know exactly
15 which wire calls and which exhibits we're going to be showing
16 each witness.

17 Moreover, we have consulted with supervisors in the
18 office, including the criminal chief. And their instruction to
19 us is that we don't provide itemized lists of specific exhibits
20 that we use with -- that we're going to be using with each
21 individual witness.

22 There's nothing in the rules or the law that requires
23 that. We're not aware of any precedent for that kind of
24 notice. And, in fact, the Fourth Circuit has held that the
25 Government is not required to provide that kind of detailed

1 notice.

2 There is a Fourth Circuit case,
3 United States versus Anderson.

4 **THE COURT:** Ms. Hoffman, I really -- I'm not sure
5 where you're going with this. If Ms. Whalen was intending to
6 argue, which I have not heard her do, that there was some sort
7 of rule violation or something of that nature, then this would
8 be more relevant.

9 At the moment, I think what you're under is just a
10 direction from the Court, which I think has more priority than
11 the criminal supervisor in your office, to do your best.

12 I absolutely understand. You've told me that you've
13 already identified and disclosed all the exhibits. You've
14 given an exhibit list. It's all been done in advance. Believe
15 me, I understand that people are preparing witnesses, you know,
16 at the last minute.

17 All I have asked is, given the huge number of exhibits
18 and the number of calls, that you do your best to provide
19 that --

20 **MS. HOFFMAN:** Thank you. I appreciate that.

21 **THE COURT:** -- to Ms. Whalen and everybody else.

22 Okay. Let's get the jury.

23 (Jury entered the courtroom at 10:22 a.m.)

24 **THE COURT:** Good morning.

25 **JUROR:** Good morning.

1 **JUROR:** Good morning.

2 **JUROR:** Good morning.

3 **THE COURT:** Before we have the Government call its
4 first witness, just let me give you an update, ladies and
5 gentlemen, on the schedule, a couple things.

6 First of all, we are sitting tomorrow, Thursday. As
7 counsel have kindly reminded me, it is Opening Day. First home
8 game for the Orioles tomorrow, which just means that you might
9 want to allow yourselves a little extra time to park in the
10 morning.

11 Not that the game starts that early, but there may be
12 some parking restrictions and issues and it's just a good idea
13 to allow a little extra time in the morning to find your
14 parking place. And it may take a little longer to get out of
15 the city, depending on when things break up at the end of the
16 day.

17 Next week, next week is going to be a little bit
18 shorter than usual. It's not completely all certain.

19 The problem is this courthouse has only one large
20 courtroom, and sometimes there are conflicting previously
21 scheduled events. That's part of what's going on.

22 But, at any rate, for various reasons, next week,
23 Monday will be a half day. It will be the morning. But when
24 we adjourn around 1:00, that will be it for Monday.

25 Tuesday will be a normal, normal, full day.

1 Wednesday, we will not be sitting because of a
2 previously scheduled proceeding here.

3 And Friday, for the same reason, we will not be
4 sitting.

5 I am not sure yet about next Thursday. Again, there
6 was a prior conflict. I am trying to see if I can work that
7 out with the other judge involved. I don't know quite yet. I
8 am hoping maybe I'll know by tomorrow and be able to let you
9 know; and if not, Monday.

10 So next week is a half day Monday, all day Tuesday,
11 not Wednesday, not Friday. And I'm still a little up in the
12 air about Thursday. I hope we'll be sitting on Thursday, but
13 now you know as much as I do.

14 So thank you.

15 All right. Does the Government want to call a
16 witness?

17 **MS. PERRY:** Yes, Your Honor, the Government calls
18 Officer Christopher Faller.

19 **THE CLERK:** Please raise your right hand.

20 **THE WITNESS:** Yes, ma'am.

21 POLICE OFFICER CHRISTOPHER FOWLER, GOVERNMENT'S WITNESS,
22 SWORN.

23 **THE CLERK:** Please be seated.

24 **THE WITNESS:** Thank you.

25 Good morning.

~~FALLER - DIRECT~~

Good morning, Your Honor.

THE CLERK: Please speak directly into the microphone.
State and spell your full name for the record, please.

THE WITNESS: Detective Christopher Faller.

Christopher, common spelling, C-H-R-I-S-T-O-P-H-E-R. And last
name is Faller, F as in Frank, A-L-L-E-R.

THE CLERK: Thank you.

THE WITNESS: Welcome.

DIRECT EXAMINATION

BY MS. PERRY:

Q. Good morning.

A. Good morning, ma'am.

Q. With which law enforcement agency are you employed?

A. Baltimore City Police Department.

Q. And how long have you been with the Baltimore City Police
Department?

A. 20 years 3 months ago, so since the year 1999.

Q. And what is your current assignment with the Baltimore
Police Department?

A. I am a task force officer with the Drug Enforcement
Administration.

Q. Can you tell us what it means to be a task force officer.

A. Yes, ma'am. There are federal task forces which
essentially integrate officers from the Baltimore Police
Department into -- with federal agents, and we all work

~~FALLER - DIRECT~~

1 together as a team.

2 Q. And how long have you been a task force officer with the
3 DEA.

4 A. Four months.

5 Q. And were you a task force officer before that?

6 A. I was.

7 Q. With which agency?

8 A. The Bureau of Alcohol, Tobacco & Firearms.

9 Q. And how long were you a task force officer with the ATF?

10 A. Nine years.

11 Q. Detective, in your years in law enforcement, do you have
12 any training in making drug-related arrests?

13 A. I do.

14 Q. Can you briefly describe that training for us.

15 A. Training in arrests and/or undercover work. I have a
16 specialized training of over 310 hours of training in narcotics
17 enforcement, which also includes undercover work.

18 Q. We'll get to the undercover work in a moment. Do you have
19 any -- have you made drug-related arrests in your career?

20 A. Absolutely.

21 Q. Approximately how many?

22 A. In excess of 1,000.

23 Q. Now, you said that you have some training in undercover
24 work. In your time with the ATF, did you work in an undercover
25 capacity?

~~FALLER - DIRECT~~

1 **A.** I did.

2 **Q.** How long have you worked in an undercover capacity?

3 **A.** Since the year 2003 or '4.

4 **Q.** And I believe you said you had some training in doing
5 undercover work. Can you describe that training for us.

6 **A.** Yes. From numerous agencies: the New York City police
7 department, Maryland State Police, Florida State Police, the
8 Drug Enforcement Administration, the FBI, and the Bureau of
9 Alcohol, Tobacco & Firearms.

10 **Q.** Approximately how many undercover operations have you
11 participated in?

12 **A.** Hundreds.

13 **Q.** And of those hundreds, how many were for drug-related
14 offenses?

15 **A.** 80 percent.

16 **Q.** And can you describe just generally what it means to work
17 undercover in a drug-related investigation.

18 **A.** It could mean anything as to just fraternize with people,
19 talk, listen. And, of course, we also participate in purchases
20 of narcotics, firearms.

21 **Q.** How do you typically dress when you're working an
22 undercover operation?

23 **A.** Not like this. T-shirt, jeans, hat.

24 **Q.** Because you work undercover operations, do you have to
25 become familiar with certain language or terminology?

~~FALLER~~ - DIRECT

1 **A.** Absolutely.

2 **Q.** Now, in your capacity as an ATF task force officer, did
3 you assist in an investigation into drug activity and violence
4 in Northwest Baltimore in 2015 and 2016?

5 **A.** Yes, ma'am, I did.

6 **Q.** So I want to direct your attention, first, to May 2nd of
7 2016.

8 Were you working on that particular day?

9 **A.** Yes, ma'am, I was.

10 **Q.** And were you working in an undercover capacity on that
11 day?

12 **A.** Yes, ma'am I was.

13 **Q.** So I want to direct your attention to about midday. Where
14 were you at that time?

15 **A.** I was at the intersection of Forest Park Avenue and
16 Windsor Mill.

17 **Q.** And what were you doing there?

18 **A.** Driving.

19 **Q.** Did there come a time when you went to a specific location
20 in that vicinity?

21 **A.** Yes.

22 **Q.** Where did you go?

23 **A.** Subway.

24 **Q.** Is that the Subway restaurant?

25 **A.** It is.

~~FALLER - DIRECT~~

1 Q. And where is the Subway restaurant located?

2 A. Located at that same intersection I just mentioned, which
3 was Forest Park at Windsor Mill.

4 Q. I'm going to show you MAP-34.

5 Just a moment. I seem to be having a technical
6 difficulty. My apologies.

7 So here we are MAP-34. Can you tell us what we're looking
8 at here.

9 A. Yes. It's a map of that same intersection, ma'am.

10 Q. And can you, using MAP-34, tell us where the Subway
11 restaurant is located.

12 A. Surely. Now, if I point, it doesn't show up on the
13 screen, does it?

14 Q. It should show up if you draw a circle or a line.

15 A. Okay. Sure. (Indicating.)

16 I think I just made a little green dot; am I correct?

17 Q. Yes.

18 A. Okay. That's the BP gas station, which would essentially
19 be right at that intersection. And on the side of it is
20 several stores: one of them being a convenience store, one of
21 them, I'm not recalling what it was; and one of them was, in
22 fact, a Subway restaurant.

23 Q. So what happened once you got to the Subway restaurant?

24 A. I noticed several individuals standing in front of it.

25 Q. What happened next?

~~FALLER - DIRECT~~

1 A. Well, I knew from the investigation that we were working
2 that this area was kind of a, for lack of a better word,
3 stronghold of the gang that we were looking at for narcotics
4 activity. So I just wanted to kind of survey the area, see if
5 I could maybe speak to, listen to, or fraternize with some of
6 the individuals that were in the area.

7 Q. And so deciding that you would stay in the area for a
8 little while, where did you go?

9 A. Into the Subway.

10 Q. And what did you do?

11 A. Eat.

12 Q. What happened next?

13 A. I got a sandwich, sat at one of the tables. Two tables
14 away from me, those same three individuals that I saw in front
15 of the Subway had re-entered the store and were sitting tables
16 away from me.

17 Q. And while those individuals were sitting there, could you
18 overhear what was going on?

19 A. I could.

20 Q. And what happened next?

21 A. They were speaking of individuals that they knew and that
22 someone had been arrested recently and what they were going to
23 do about the fact that that person was locked up.

24 Q. And did this pique your interest?

25 A. Sure.

~~FALLER - DIRECT~~

1 Q. How come?

2 A. Because I think I had the right people that I was looking
3 at. They were going in and out of the store. They were in the
4 area and they were speaking about criminal activity.

5 Q. So what did you do next?

6 A. I listened.

7 Q. What happened after that?

8 A. At that point I noticed that two of the individuals had
9 taken their cell phones, they plugged them into the wall of the
10 actual Subway restaurant. The plug was located in the corner
11 near where the soda machines are. So they were plugging them
12 in, I guess, to recharge.

13 Q. And where did the individuals go after they plugged in
14 their cell phones?

15 A. They left.

16 Q. What did you do?

17 A. Well, that really piqued my interest because I would never
18 do that. Plugged their phones in and out. They had no real
19 keen eye as to watch as to if anyone was going to take the
20 phones, look at the phones. They left them there, walked out,
21 walked back in again to get something to drink. But at no
22 point was there any "hope my phone is still there" thoughts.

23 Q. So did you eventually go outside?

24 A. I did.

25 Q. And when you went outside, what did you do?

~~FALLER - DIRECT~~

1 **A.** I referred to the fact that where I grew up, you can't do
2 that because phones like that get stolen.

3 **Q.** And who did you say that to?

4 **A.** The group of males.

5 **Q.** Did they respond in any way?

6 **A.** They laughed.

7 **Q.** And did there come a time when you were able to identify
8 one of the members of this group?

9 **A.** I did.

10 **Q.** And who was that?

11 **A.** Mr. Sydni Frazier.

12 **Q.** I'm going to show you Government's Exhibit IND-32.

13 Do you recognize this person?

14 **A.** I do.

15 **Q.** Who is that?

16 **A.** Mr. Sydni Frazier.

17 **Q.** And do you see Mr. Frazier in the courtroom today?

18 **A.** I can't see that far, so . . .

19 **Q.** When you approached the group and started this
20 conversation and they laughed, what happened next?

21 **A.** They asked what I was doing in the area.

22 **Q.** Did you respond?

23 **A.** I did.

24 **Q.** What did you say?

25 **A.** That I was waiting for an individual.

~~FALLER - DIRECT~~

1 Q. What happened next?

2 A. Mr. Frazier kind of emerged from the group of people and
3 asked a question of me.

4 Q. What did he ask you?

5 A. If I liked to party.

6 Q. And based on your experience in doing undercover work,
7 what did you believe that to mean?

8 A. If I used narcotics or I liked to buy narcotics.

9 Q. Did you respond to Mr. Frazier?

10 A. I did.

11 Q. What did you say?

12 A. I absolutely love to party.

13 Q. What happened next?

14 A. A negotiation took place.

15 Q. What were you negotiating for?

16 A. The price of crack cocaine.

17 Q. Did you ask for a specific quantity?

18 A. I did.

19 Q. What did you ask for?

20 A. An eight ball.

21 Q. And did Mr. Frazier respond?

22 A. He did.

23 Q. What did he tell you?

24 A. I can't give you the exact price; but if my memory
25 recalls, I believe it was \$250.

~~FALLER - DIRECT~~

1 Q. How did you respond to this price?

2 A. I laughed.

3 Q. Why?

4 A. It's high.

5 Q. What happened next?

6 A. We, again, negotiated.

7 Q. And what did you negotiate for at this point?

8 A. I think we got to a number of about \$200, which is still
9 highway robbery, but I accepted it.

10 Q. And after you sort of negotiated and agreed on a price,
11 what happened?

12 A. Phone numbers were exchanged.

13 Q. And so did -- who provided you a phone number?

14 A. Mr. Frazier did.

15 Q. And what did you do with that phone number?

16 A. I put it into my own cell phone memory banks, contact
17 list.

18 Q. And at that point had Mr. Frazier provided you with a
19 name?

20 A. Not an actual birth name, but a nickname.

21 Q. What did he provide his name as?

22 A. The letter P, as in Paul, which is common, because most
23 people won't give their name. They're going to give you a
24 nickname.

25 Q. Now, after you saved the contact for Mr. Frazier in your

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1 phone, what did you do?

2 **A.** The following day, we began text messaging each other back
3 and forth.

4 **Q.** And did you memorialize those text messages in any way?

5 **A.** I did.

6 **Q.** How so?

7 **A.** Screenshots, so I essentially took a picture of the
8 message onto my phone.

9 **Q.** And as you sit here today, do you recall what the phone
10 number was that he provided you?

11 **A.** I cannot recall that, ma'am.

12 **Q.** But did you memorialize that in some way?

13 **A.** Yes.

14 **Q.** How did you memorialize that?

15 **A.** It was written within a report.

16 **Q.** And would seeing the report refresh your recollection as
17 to what that number was?

18 **A.** Absolutely. And I apologize.

19 **MS. PERRY:** Your Honor, permission to approach the
20 witness?

21 **THE COURT:** Sure.

22 **BY MS. PERRY:**

23 **Q.** (Hanging.)

24 Detective, can you take a look at your report and let us
25 know if it refreshes your recollection as to what that phone

~~FALLER - DIRECT~~

number was.

A. Yes, ma'am it does.

Q. What was the phone number?

A. (443) 699-8181.

Q. Now, I want to show you Government's Exhibit CELL-17.

Do you recognize what we're looking at here on the screen?

A. Yes, ma'am, I do.

Q. And can you tell us what we're looking at.

A. This is the exchange of messages that I had just spoke about between myself and Mr. Frazier.

Q. And looking here, we see some green messages on the right and some gray messages on the left. Who are the green messages?

A. I'm green.

Q. And who are the gray messages?

A. Mr. Frazier.

Q. Looking at the first -- first of all, can you tell us what date these messages were exchanged.

A. It commenced on Tuesday, May 3rd, the year -- I can't tell the year. I'm not sure.

Q. And was that the day after you had the interaction at the Subway?

A. May 2nd is when we had the interaction. May 3rd is when the messages commenced; correct.

Q. And looking up here at the first message, what did you ask

~~FALLER - DIRECT~~

1 Mr. Frazier?

2 A. Would you like me to read what it says on there?

3 Q. Yes, please.

4 A. Of course.

5 [Reading]: Yo, I'm going to come through on Friday. Can
6 you do one-quarter for a good price? Smiley, smiley.

7 Q. And you asked for a quarter for a good price. What did
8 you mean by "a quarter"?

9 A. I was referring to a quarter -- quarter of ounce -- excuse
10 me, quarter ounce of crack cocaine.

11 Q. And was there a response?

12 A. Yes.

13 Q. What was the response?

14 A. [Reading]: Yeah.

15 Q. Did you respond to that?

16 A. I did.

17 Q. What did you say?

18 A. [Reading]: Cool. I'll call you on Thursday.

19 Q. And was there a response to that message?

20 A. There was.

21 Q. What was that response?

22 A. [Reading]: You not police, are you?

23 Q. Now, in your experience as an undercover detective, is
24 it -- have you -- have people asked you before about being
25 police?

~~FALLER - DIRECT~~

1 **A.** Always.

2 **Q.** And what is your understanding of what that question is
3 about?

4 **A.** It alleviates, I guess, a guilty conscience or maybe
5 thinking that if they were to ask me if I'm the police, that I
6 am compelled to tell them so.

7 **Q.** Did you respond to the question?

8 **A.** I did.

9 **Q.** What did you say?

10 **A.** Verbatim [reading]: Just got done with one and six from
11 Rikers. I hope not.

12 **Q.** And what is Rikers?

13 **A.** Rikers Island is a prison in New York City.

14 **Q.** Now, turning down to May 4th, do we see additional
15 text messages between you and Mr. Frazier?

16 **A.** Yes, ma'am.

17 **Q.** And what did you message on May 4th?

18 **A.** [Reading]: I will be in the city at, like, 12:00. You
19 cool with that?

20 Meaning -- and then I subsequently followed up with "on
21 Friday."

22 **Q.** Now, flipping to the second page and starting sort of in
23 the middle, did you send some additional texts on that
24 particular day?

25 **A.** Yes, ma'am.

~~FALLER - DIRECT~~

1 Q. What were those texts?

2 A. Would you like me to read them again?

3 Q. Yes.

4 A. Okay. Excuse my language.

5 [Reading]: I have a female that fucks with the boy I can
6 turn you onto. So give me some numbers on that, too. If you
7 can't come through for me, let me know. I don't want to get
8 fucked over the -- over here.

9 Sorry.

10 Q. Now, the first message you read says [Reading]: I have a
11 female that fucks with the boy I can turn you onto.

12 A. Correct.

13 Q. What were you referring to?

14 A. A female friend. And when I refer to the word "boy," I am
15 referring to heroin.

16 Q. And then looking at Thursday, May 5th -- and just to be
17 clear, what year are we talking about here? Does your report
18 refresh your recollection as to what year we're talking about?

19 A. May I, please?

20 Q. Yes.

21 A. 2016.

22 Q. Okay. So turning to May 5th of 2016, did you send an
23 additional text message?

24 A. Yes; at 12:31.

25 Q. And what was that message?

~~FALLER - DIRECT~~

- 1 **A.** [Reading]: Kinda thought this was bullshit. Thanks, man.
- 2 **Q.** Now, I want to turn to Page 3 of this exhibit, which is --
- 3 again, it appears at the top, the date.
- 4 Can you tell us what date that was.
- 5 **A.** Thursday, May 6th, again, the year 2016.
- 6 **Q.** And we see a message over here in gray on the left. What
- 7 is that message?
- 8 **A.** [Reading]: WYA.
- 9 **Q.** And what is your understanding of what "WYA" means?
- 10 **A.** Where you at?
- 11 **Q.** How did you respond to that?
- 12 **A.** [Reading]: Who's this?
- 13 **Q.** Why did you respond, "Who's this?"
- 14 **A.** Because this was a phone number that I did not have stored
- 15 in my phone.
- 16 **Q.** And was there a response to, "Who's this?"
- 17 **A.** Yes, ma'am.
- 18 **Q.** What was that response?
- 19 **A.** P from BP.
- 20 **Q.** And so this was a message that came from a different phone
- 21 number than the one you've told us about?
- 22 **A.** You are correct.
- 23 **Q.** And what was that phone number?
- 24 **A.** May I refer?
- 25 **Q.** Yes.

~~FALLER - DIRECT~~

1 **A.** Thank you.

2 443 -- I'm sorry -- 640-8950.

3 **Q.** And can you just read the exchange you had with P from BP
4 on May 5th of 2016.

5 **A.** Of course.

6 [Reading]: Man, I called your other phone -- your other
7 gone.

8 I presume I spelled -- I meant to mean "phone," and that's
9 what I followed up with.

10 [Reading]: It was dead. What's up?

11 [Reading]: I'm coming through tomorrow. I got somewhere
12 to be downtown. So I can meet you at like 12. What's the
13 numbers? Question mark three times.

14 [Reading]: We already discussed that.

15 And I can only read half that message on the bottom.

16 **Q.** Now, you said that you texted, "What's the numbers?" What
17 were you asking?

18 **A.** The price.

19 **Q.** And the response was what?

20 **A.** We had already discussed the numbers.

21 **Q.** Okay. Turning to Page 4, can you read the full text of
22 that message that was cut off.

23 **A.** Yes, ma'am.

24 [Reading]: Yeah. I told you I wanted a bit more, but
25 that's cool. I'll meet you at 12, and I can't wait. I have to

~~FALLER - DIRECT~~

1 meet someone 15 minutes later, so I can't wait.

2 Q. Was there a response?

3 A. [Reading]: Okay.

4 Q. Did you follow up?

5 A. [Reading]: You said MLK. We can do the casino if you
6 want.

7 Q. And what was the response to that?

8 A. [Reading]: Naw, I never go where you want me. I a let
9 you know whenever you ready.

10 Q. And so what is going on at this point?

11 A. Typically, those involved in the trafficking of narcotics
12 like to feel comfortable with the location for their own
13 safety, so they're going to attempt to direct the buyer --
14 being me in this situation -- to a place where they feel most
15 safe and secure.

16 So I was attempting to lure Mr. Frazier to a location.
17 Mr. Frazier was not accepting that and was going to set the
18 location himself.

19 Q. So what were the next exchanges?

20 A. [Reading]: I'm not drivin' all over the place. I will
21 call you tomorrow when I'm 30 minutes away.

22 Q. Is there a response?

23 A. [Reading]: K.

24 Q. And did you follow up to that?

25 A. [Reading]: This phone or your other one?

~~FALLER - DIRECT~~

1 Q. And was there a response?

2 A. [Reading]: Either one.

3 Q. Turning to Page 5, can you read through the messages here
4 for us.

5 A. Starting with the top, ma'am?

6 Q. Yes, please.

7 A. Okay. [Reading]: All good?

8 Response [reading]: Yes.

9 Myself [reading]: Okay. I should be there in bout an
10 hour. Rain in awful. Where at?

11 [Reading]: I have to put it into GPS.

12 [Reading]: Question mark four times.

13 [Reading]: Man, I need something here. I have none idea
14 what to put in.

15 Q. Is there a response?

16 A. Yes, ma'am, there was.

17 [Reading]: 945 Bennett Place.

18 Q. Did you respond to that?

19 A. [Reading]: When? 'Cause I'm close.

20 Q. Was there a response to that?

21 A. [Reading]: 20.

22 Q. And a response to that?

23 A. [reading]: I'll be there at 1. I wasn't that close.

24 Q. Now turning to the next page, did you ask Mr. Frazier if
25 he was good?

~~FALLER - DIRECT~~

1 A. Yes.

2 Q. And did he respond?

3 A. [Reading]: Yeah. Wua.

4 Q. And how did you respond to that?

5 A. [Reading]: Edmondson Avenue 7-Eleven, 2 minutes from
6 Bennett Place.

7 Q. And what -- were you providing him your location at that
8 particular point?

9 A. Yes, ma'am, I was.

10 Q. And how did he respond to that?

11 A. On -- after I had given my own location?

12 Q. Yes.

13 A. He then stated [reading]: Lord Baltimore Hotel.

14 Q. Now, I want to flip back up to the previous slide, and you
15 asked, "All good?" at one point. What did you mean by "all
16 good"?

17 A. I was just referring and asking Mr. Frazier if he was
18 prepared and -- to make the transaction.

19 Q. Now, I believe we were on Page 6, and you said that he
20 responded "Lord Baltimore Hotel"?

21 A. Correct.

22 Q. And what did you do when you got this message?

23 A. I responded.

24 Q. And what did you say?

25 A. [Reading]: Headed there now. Two blocks away.

~~FALLER - DIRECT~~

1 Q. Were there any exchanges with Mr. Frazier's phone after
2 that?

3 A. Just phone calls back and forth.

4 Q. So what happened after this last exchange?

5 A. Text messaging.

6 Q. After this last text message exchange.

7 A. An argument ensued.

8 Q. And how did you have that argument?

9 A. How did we have that argument?

10 Q. Yes.

11 A. I don't understand.

12 Q. Was that over a voice call?

13 A. Yes, ma'am.

14 Q. And where were you at this particular time?

15 A. In a vehicle.

16 Q. And where -- at what location?

17 A. Not far from the Lord Baltimore Hotel.

18 Q. And can you tell us about the voice message -- the voice
19 exchange that you had with Mr. Frazier.

20 A. Mr. Frazier continued to change the location, which
21 obviously made me a little bit nervous. Different room numbers
22 where we were going to meet. "Where are you at?"

23 So the argument got very heated whereas he pretty much
24 told me to disregard, and I told him the same.

25 Q. So at that point did you ever meet up with Mr. Frazier?

~~FALLER - DIRECT~~

1 **A.** I did not.

2 **Q.** And did you ever actually make a purchase from him?

3 **A.** No, ma'am, I did not.

4 **Q.** Now, I want to change gears a little bit and turn your
5 attention to August of 2016.

6 Were you again assisting in the investigation we discussed
7 earlier?

8 **A.** I was.

9 **Q.** And at that time what, just generally, was happening with
10 the investigation overall?

11 **A.** We were monitoring phone lines, and we were also
12 conducting surveillance.

13 **Q.** And when you say you were monitoring phone lines, was
14 there a wiretap investigation happening at that time?

15 **A.** Yes, ma'am, there was.

16 **Q.** And who was the target of that wiretap investigation, if
17 you know?

18 **A.** Mr. Lockley.

19 **Q.** I'm going to show you Government's Exhibit IND-60.
20 Do you recognize this person?

21 **A.** I do.

22 **Q.** Who is that?

23 **A.** Mr. Lockley.

24 **Q.** Now, I want to direct your attention specifically to
25 August 11th of 2016 at about 11:00 a.m.

~~FALLER - DIRECT~~

1 Were you working on that date and time?

2 A. Yes, ma'am.

3 Q. And where were you located at about 11 o'clock that day?

4 A. I was near the intersection of Longwood Avenue and
5 Gwynns Falls Parkway.

6 Q. Now, I want to show you Government's Exhibit MAP-37.

7 Do you recognize this?

8 A. I do.

9 Q. What are we looking at here?

10 A. It is a map of the location I just gave.

11 Q. And what were you doing at Longwood near Gwynns Falls?

12 A. Conducting surveillance.

13 Q. And what was the target of your surveillance? Who were
14 you conducting surveillance -- what were you conducting
15 surveillance on?

16 A. Mr. Lockley and an unknown male.

17 Q. And let me just back up a quick second.

18 You indicated that you were conducting surveillance in the
19 area that's up here on MAP-37.

20 Where is the BP gas station in relation to what we're
21 looking at?

22 A. So if you were looking at the screen like I am, it's to
23 the left by about a mile or so. It's not in the screen itself.

24 Q. So about a mile to the left off the screen?

25 A. Correct.

~~FALLER - DIRECT~~

1 Q. So you said that you were conducting surveillance in the
2 area of an individual. Did you actually see an individual in
3 the area when you were there?

4 A. Yes, I did.

5 Q. And what did that individual look like?

6 A. He was a black male. He was dressed in a white tank top,
7 and he had green shorts on.

8 Q. And about 11 o'clock, what happened?

9 A. Several phone calls were intercepted between that male and
10 Mr. Lockley.

11 Q. And while you were at the location surveilling, were you
12 in contact with other members of ATF and other members of the
13 team?

14 A. Absolutely.

15 Q. And were they giving you updates about what was going on?

16 A. Yes, ma'am, they were.

17 Q. Was there a particular reason that you were surveilling
18 this individual you described?

19 A. Yes. We were suspicious to the fact from the phone calls
20 that he was involved in narcotics activity.

21 Q. And so did you believe that he may have been intercepted
22 over the wiretap at some point?

23 A. Yes, he was.

24 Q. What makes you say, "Yes, he was"?

25 A. His voice was heard during the interceptions speaking to

~~FALLER - DIRECT~~

1 Mr. Lockley.

2 Q. Now, you said that while you were there around 11 o'clock,
3 you were informed -- I believe you said you were informed that
4 a call had come over the wiretap line.

5 A. Yes, ma'am.

6 Q. At the time that you were sitting there, did you actually
7 hear the call?

8 A. I did not.

9 Q. Were you provided information about what was contained in
10 the call?

11 A. Yes, ma'am, I was.

12 Q. And have you since listened to that call?

13 A. I have.

14 Q. So I want to show you what's or play you what's in
15 evidence as Government's Exhibit Wire 3. This is
16 Call TT-3-6158, and the transcript is on Page 211 of the wire
17 call tab.

18 Now, looking, first, over here to the right side of the
19 screen to the transcript, can you tell us the date of this
20 call.

21 A. Yes, ma'am. August 11th of the year 2016.

22 Q. And what time was the call?

23 A. Approximately 12:59 p.m.

24 Q. And can you tell us who the participants of the call were.

25 A. Mr. Jamal Lockley and the unknown male, the one I had

~~FALLER - DIRECT~~

1 described earlier.

2 **MS. PERRY:** I'm going to play the call at this point.

3 (Audio was played but not reported.)

4 **BY MS. PERRY:**

5 **Q.** Now, Detective, at about this time, what happened?

6 **A.** When that phone call was received, we were still on
7 surveillance. And we observed Mr. Lockley in the area drive up
8 in the Lexus.

9 **Q.** Can you describe what the Lexus looked like.

10 **A.** It was dark-colored.

11 **Q.** And what happened when Mr. Lockley arrived in the Lexus?

12 **A.** The male that I had earlier described met with Mr. Lockley
13 in that Lexus.

14 **Q.** What happened next?

15 **A.** I believe the male then left the side of the Lexus and
16 entered a vehicle that was in the block.

17 **Q.** And where did the Lexus go at that point?

18 **A.** The Lexus left the area.

19 **Q.** And then what happened to the other individual you were
20 surveilling?

21 **A.** He proceeded south on Longwood Avenue. And then he
22 proceeded, I believe it would be a westbound direction on
23 Elgin Avenue out of the area.

24 **Q.** Did you later learn that additional calls had come over
25 the wiretap around this time?

~~FALLER - DIRECT~~

1 **A.** Yes, ma'am.

2 **Q.** So I want to play again from Wire 3. This is TT-3-6171,
3 and the transcript is on Page 213.

4 **THE COURT:** Which page? I'm sorry.

5 **MS. PERRY:** I believe it is on Page 213, 213 of the
6 wire call tab.

7 **THE COURT:** Thank you.

8 **BY MS. PERRY:**

9 **Q.** So, again, can you tell us the date that we're looking at
10 here.

11 **A.** August 11th of the year 2016.

12 **Q.** And what is the time -- start time of the call?

13 **A.** At approximately 2:36 p.m.

14 **Q.** And the participants of the call?

15 **A.** Mr. Lockley and an unknown male.

16 **Q.** I'm going to play the call.

17 (Audio was played but not reported.)

18 **BY MS. PERRY:**

19 **Q.** And, Detective, remind us, where were you at this time?
20 Where were you located?

21 **A.** Still in the area of Longwood and Gwynns Falls Parkway.

22 **Q.** And how close is Elgin to where you were?

23 **A.** Two blocks.

24 **Q.** So I'm now going to play you TT-3-6172. It's on Page 216
25 of the transcript binder.

~~FALLER - DIRECT~~

1 And, again, starting over here on the right, what is the
2 date of this call?

3 A. August 11th of the year 2016.

4 Q. And the time?

5 A. Approximately 2:36 p.m.

6 Q. And the participants?

7 A. Mr. Lockley and an unknown male.

8 Q. And when is this call in relation to the call --

9 A. Oh, excuse me. An unknown. Excuse me. I apologize.

10 Q. And when is this call in relation to the call we just
11 listened to?

12 A. Immediately afterwards.

13 MS. PERRY: I'm going to play the call.

14 (Audio was played but not reported.)

15 BY MS. PERRY:

16 Q. And now turning your attention -- I'm going to play you
17 one more call. This is TT-3-6173, and the transcript is on
18 Page 218.

19 Again, starting over here at the transcript, can you tell
20 us the date and time.

21 A. August 11th of the year 2016 at approximately 2:45 p.m.

22 Q. And the participants?

23 A. Mr. Lockley and an unidentified -- well, a
24 later-to-be-identified female.

25 Q. And, again, when is this call in relation to the one we

~~FALLER - DIRECT~~

1 just listened to?

2 **A.** A few moments later.

3 **MS. PERRY:** I'll play the call.

4 (Audio was played but not reported.)

5 **BY MS. PERRY:**

6 **Q.** Now, Detective, at about this time, at about 2:45 p.m. on
7 August 11th, what, if anything, did you observe?

8 **A.** Well, I was notified by those monitoring the phone lines
9 that an individual had called Mr. Lockley and was attempting to
10 purchase narcotics.

11 **Q.** And let me actually pull that transcript up one more time.
12 This is TT-3-6173.

13 And can you, looking here at the top, tell us the number
14 that called.

15 **A.** Yes. It's (717) 331-0144.

16 **Q.** And were you provided with this number when you were
17 communicating with the rest of your team?

18 **A.** Yes. The person monitoring the phone informed me that
19 that was the number that was calling.

20 **Q.** And what can you tell us about the extension, the 717
21 extension?

22 **A.** It just alerted me to the fact that the individual may be,
23 in fact, from Pennsylvania because of the area code.

24 **Q.** And so what happened -- what, if anything, did you observe
25 when you were at that location at about that time?

~~FALLER - DIRECT~~

1 **A.** A vehicle came into the area bearing Pennsylvania license
2 plates.

3 **Q.** And what happened once that vehicle arrived in the area?

4 **A.** It proceeded to Longwood and then proceeded to
5 Elgin Avenue just as it was directed to by Mr. Lockley.

6 **Q.** What happened next?

7 **A.** I left my location of surveillance and began to follow
8 that vehicle.

9 **Q.** Did you ever see anyone approach the vehicle?

10 **A.** I did.

11 **Q.** Who did you see approach the vehicle?

12 **A.** The male with the white tank top and the green shorts.

13 **Q.** And was it after you saw that person approach the vehicle
14 that you followed the vehicle?

15 **A.** Yeah.

16 **Q.** Now, when you were following the vehicle, did you stop and
17 talk to anyone first?

18 **A.** I did.

19 **Q.** Can you tell us about that.

20 **A.** I had an interaction with the male with the white tank top
21 and green shorts.

22 **Q.** Can you tell us about that interaction. What did you say?

23 **A.** I was just asking him if I was in the right area to
24 purchase narcotics.

25 **Q.** Did he respond?

~~FALLER - DIRECT~~

1 **A.** Yeah. He didn't like me very much.

2 **Q.** What happened next?

3 **A.** Told me to go on my way.

4 **Q.** And what did you do?

5 **A.** I did.

6 **Q.** And where did you go?

7 **A.** Followed.

8 **Q.** Who were you following?

9 **A.** The vehicle we just spoke of.

10 **Q.** With the Pennsylvania plates?

11 **A.** Correct.

12 **Q.** Where did you follow that vehicle to?

13 **A.** We eventually stopped at the intersection of Windsor Mill
14 and Forest Park.

15 **Q.** Is that near the BP gas station?

16 **A.** It's directly across the street from it.

17 **Q.** And when you stopped the car, did you approach it?

18 **A.** I did not stop the car. I stopped my vehicle, and they
19 stopped at a red light.

20 **Q.** And did there come a time when you approached the car?

21 **A.** Yes.

22 **Q.** What, if anything, did you observe when you approached the
23 car?

24 **A.** Immediately when I walked up to the vehicle, one of the
25 occupants had a needle in his arm.

~~FALLER - DIRECT~~

1 Q. How many occupants were there in the vehicle?

2 A. I believe there was three.

3 Q. Did you engage the occupants of the vehicle in a
4 conversation?

5 A. I did.

6 Q. And what, if anything, happened?

7 A. I alerted them to the fact that I was law enforcement and
8 that we had suspicion as to what they were doing and asked them
9 to relinquish what they had just purchased.

10 Q. And did you recover anything at that point?

11 A. Yes, ma'am, I did.

12 Q. What did you recover?

13 A. A plastic bag containing a brown substance.

14 Q. And what, based on your training and experience, did you
15 believe that substance to be?

16 A. Suspected heroin.

17 Q. And where did you recover it from?

18 A. From the driver.

19 Q. Do you know where he took it from?

20 A. Somewhere on his person. I can't tell you exactly where.
21 I'm sorry.

22 Q. Now, I want to show you Government's Exhibit D-20.

23 (Hanging.)

24 Do you recognize this?

25 A. I do.

~~FALLER - DIRECT~~

1 Q. What is it?

2 A. It's a submission of the narcotics I had just mentioned.

3 Q. And is it the narcotics you recovered from the driver of
4 the vehicle?

5 A. Correct.

6 Q. And was that ultimately submitted to the Baltimore Police
7 lab for testing?

8 A. It was.

9 Q. Now, Detective, did you later learn that additional calls
10 had come over the wiretap around this time?

11 A. Yes.

12 Q. So I want to show you, again, from
13 Government's Exhibit Wire 3, this is TT-3-6175, and the
14 transcript is on Page 220.

15 Starting again over here on the right, who is this call --
16 what phone number was this call from?

17 A. It's the same 717 number that I had just mentioned earlier
18 that had spoken with Mr. Lockley.

19 Q. And what was the date and time of the call?

20 A. The 11th of August, the year 2016, at approximately
21 3:04 p.m.

22 Q. And who was the other participant in the call?

23 A. It was Mr. Lockley and the female.

24 Q. I'm going to play this call.

25 (Audio was played but not reported.)

~~FALLER - DIRECT~~

BY MS. PERRY:

Q. Detective, what were you driving that day?

A. What was I driving?

Q. Yes.

A. A black truck.

Q. Now, I want to play for you TT-3-6178.

And, again, looking over here at the transcript, what was the date and time of this call?

A. The 11th of August, the year 2016, at approximately 3:08 p.m.

Q. And when is this call in relation to the one we just listened to?

A. I'm sorry?

Q. When is this call in relation to the call we just listened --

A. When is it?

Q. Yes.

A. Oh, moments later.

Q. And who were the participants in this call?

A. Mr. Lockley and the male with the white tank top.

Q. I'm going to play this call.

(Audio was played but not reported.)

BY MS. PERRY:

Q. Detective, did you hear the part in the call where the caller said [reading]: He like, any blow out here?

~~FALLER - DIRECT~~

1 A. Yes.

2 Q. Are you familiar with the term "blow"?

3 A. I am.

4 Q. What is "blow"?

5 A. It can be referred to as a controlled, dangerous
6 substance.

7 Q. Detective, at this point did you continue your
8 surveillance?

9 A. I did not.

10 Q. Why not?

11 A. I was blown.

12 Q. So I want to direct your attention to a few days later, to
13 August 15th of 2016, at about 1:30 p.m.

14 Where were you at that date and time?

15 A. I was again working surveillance in the area of the
16 northwest part of Baltimore. Excuse me.

17 Q. And what investigation were you conducting surveillance
18 with respect to?

19 A. The same wiretap that we've been speaking of.

20 Q. And did there come a time on that day when you learned
21 that a call had come over the tapped line?

22 A. Yes.

23 Q. And have you since listened to that call?

24 A. I have.

25 Q. So I'm going to play you Government's Exhibit from Wire 3,

~~FALLER - DIRECT~~

1 this is TT-3-7331, and the transcript is on Page 233.

2 So, again, starting over here at the right, what is the
3 date and time?

4 A. The date is August 15th in the year 2016.

5 Q. And what's the time?

6 A. Approximately 1:35 p.m.

7 Q. And who were the participants in the call?

8 A. Mr. Lockley and an unknown person.

9 Q. I'm going to play this call.

10 (Audio was played but not reported.)

11 BY MS. PERRY:

12 Q. Did you hear when the caller said, "We're trying to get
13 girl"?

14 A. Yes, ma'am.

15 Q. And based on your training and your experience in
16 undercover narcotics work, do you know what "girl" refers to?

17 A. Yes, ma'am. It's commonly used as a nickname for cocaine.

18 Q. Now, around this time, what did you do?

19 A. Well, we were in the area, so we began to conduct
20 surveillance in that area.

21 Q. And did you ultimately learn about other calls that came
22 over the wire?

23 A. Yes, ma'am.

24 Q. So I'm going to play you Call TT-3-7363. It's on
25 Page 235.

~~FALLER - DIRECT~~

1 And looking over at the transcript, can you tell us the
2 date and time.

3 A. August 15th, the year 2016, at approximately 2:47 p.m.

4 Q. And who were the participants?

5 A. Mr. Lockley and an unknown individual.

6 Q. So I'm going to play this call.

7 (Audio was played but not reported.)

8 **BY MS. PERRY:**

9 Q. Now, Detective, did you hear when the caller said, "I'm
10 turning right onto Chelsea"?

11 A. Yes, ma'am.

12 Q. And did you -- what did you understand that to mean?

13 A. Chelsea Terrace, which is a block in Northwest Baltimore.

14 Q. And then did you hear where the caller was asked,
15 "No boy?"

16 A. Yes.

17 Q. Are you familiar in your experience in undercover work and
18 narcotics work with the term "boy"?

19 A. Yes, ma'am. It refers to heroin.

20 Q. At this point what did you do?

21 A. We conducted surveillance in the area.

22 Q. And what area is that?

23 A. I'm sorry?

24 Q. What area did you go to at that point?

25 A. The area of Chelsea Terrace.

~~FALLER - DIRECT~~

1 Q. I'm going to show you MAP-38.

2 Can you tell us what we're looking at here.

3 A. Yes.

4 Q. What is this area?

5 A. That's a map of Chelsea Terrace between Clifton Avenue and
6 Windsor Mill Road.

7 Q. And where did you go at about that time?

8 Or what area were you surveilling?

9 A. That area, whereas, the large red bubble on top is the
10 intersection of Windsor Mill Road at Chelsea Terrace. If you
11 follow all the way down Chelsea Terrace to the bottom, that
12 would be Clifton Avenue. That was the target location that we
13 were surveilling at that point.

14 Q. Now, I want to play you another call. This is TT-3-7376,
15 and the transcript is on Page 237.

16 And, again, what is the date and time of this call?

17 A. The 15th of August, the year 2016, and the time is
18 approximately 2:58 p.m.

19 Q. And who were the participants in this call?

20 A. Mr. Lockley and Mr. Jacob Bowling.

21 Q. And in the course of your investigation, did you become
22 familiar with Jacob Bowling?

23 A. Yes, ma'am, I did.

24 Q. I'm going to turn back to Mr. Bowling in a second. But,
25 first, I'm going to play this call.

~~FALLER - DIRECT~~

1 **A.** Sure.

2 (Audio was played but not reported.)

3 **BY MS. PERRY:**

4 **Q.** Now, did you hear when Mr. Lockley said, "They on Chelsea
5 on the right"?

6 **A.** Yes.

7 **Q.** And at that point what, if anything, did you observe?

8 **A.** At that point what did I observe?

9 **Q.** Yes.

10 **A.** A small vehicle occupied by two females.

11 **Q.** And where was that vehicle?

12 **A.** It was parked on Chelsea Terrace.

13 **Q.** Now, I'm going to show you Government's Exhibit IND-12.
14 Who are we looking at here?

15 **A.** Mr. Bowling.

16 **Q.** Now, I'm going to play you one more call. This is
17 TT-3-7382, and the transcript is on Page 239.

18 And, again, what is the date and time of this call?

19 **A.** The date is August 15th, year 2016, and the time is
20 approximately 3:12 p.m.

21 **Q.** And who were the participants in the call?

22 **A.** Mr. Lockley and Mr. Bowling again.

23 **Q.** I'm playing this call.

24 (Audio was played but not reported.)

25 **BY MS. PERRY:**

~~FALLER - DIRECT~~

1 Q. Did you hear in the call where Mr. Bailey said, "I'm
2 behind you"?

3 A. Yes.

4 Q. Now, what happened, if anything happened at that time,
5 while you were observing that area?

6 A. Like I had said earlier, the vehicle with the two female
7 occupants arrived. Then the Lexus that we had mentioned
8 earlier arrived as well, being driven by Mr. Lockley.

9 Q. And, again, can you describe what that Lexus looked like.

10 A. It was, again, dark-colored.

11 Q. And what happened when the Lexus arrived?

12 A. One of the occupants of the small vehicle exited the car
13 and walked to Mr. Lockley.

14 Q. What happened next?

15 A. There was an exchange, maybe a hug, high five. I'm not
16 really sure what it was. But then she walked back to her
17 vehicle.

18 Q. What happened after that?

19 A. Mr. Bowling arrived.

20 Q. And when Mr. Bowling arrived, what happened?

21 A. Mr. Bowling walked to the Lexus, and then he subsequently
22 walked to the car being occupied by the two females.

23 Q. What happened after that?

24 A. Mr. Bowling then re-approached Mr. Lockley in the Lexus.

25 Q. And what happened to the other vehicle?

~~FALLER - DIRECT~~

1 **A.** That vehicle left the area.

2 **Q.** What did you do?

3 **A.** I followed that vehicle for a very short duration and
4 left.

5 **Q.** Did you continue your surveillance after that?

6 **A.** No, ma'am, I did not.

7 **Q.** Now, I want to jump ahead -- actually, let me ask you one
8 more question about that.

9 What did you believe happened during the exchange you just
10 described?

11 **A.** I'm sorry. One more time.

12 **Q.** You just . . .

13 I believe you just described an interaction, you said,
14 between the Lexus that you observed pull up and Mr. Bowling, as
15 well as the occupants of another vehicle.

16 What did you believe happened?

17 **MR. TRAINOR:** Objection.

18 **THE COURT:** Overruled.

19 **THE WITNESS:** May I answer?

20 **THE COURT:** Yes.

21 **BY MS. PERRY:**

22 **Q.** Yes.

23 **A.** Thank you.

24 It was apparent to me that the two females were in the
25 area to purchase narcotics. Mr. Lockley had called Mr. Bowling

~~FALLER - DIRECT~~

1 to inform him that there was, in fact, what they call a sale in
2 the block. Mr. Bowling was instructed to make that transaction
3 with those individuals.

4 Mr. Lockley, almost acting in what would be considered a
5 supervisory position, arrived before Mr. Bowling did. Then
6 Mr. Bowling arrived and kind of had to justify his tardiness in
7 the -- with the sale.

8 And Mr. Lockley clearly declares that this is why they're
9 losing money, because of people that are being lazy and aren't
10 showing up on time.

11 Q. And when Mr. Bowling approached -- ultimately approached
12 that other vehicle in the area, what do you believe happened
13 then?

14 A. A narcotics transaction.

15 Q. And what made you believe that?

16 A. Because that was what was declared that they were there
17 for.

18 Q. So now I do want to jump ahead and direct your attention
19 to September 27th of 2016.

20 Were you working on that particular day?

21 A. Yes, ma'am, I was.

22 Q. And on that day, did you assist in the execution of a
23 search warrant?

24 A. I did.

25 Q. What was the location of the search warrant?

~~FALLER - DIRECT~~

1 **A.** 2525 Eutaw Place.

2 **Q.** Was there an apartment number?

3 **A.** 503.

4 **Q.** And is that location in Baltimore?

5 **A.** Yes, ma'am, it is.

6 **Q.** Approximately what time did you arrive at 2525 Eutaw Place
7 that day?

8 **A.** We probably arrived at 5:30, but execution of the warrant
9 took place at approximately 6:00 a.m.

10 **Q.** And what was your role in the execution of the
11 search warrant that day?

12 **A.** I was support.

13 **Q.** And did there come a time when you entered the residence?

14 **A.** Yes, ma'am.

15 **Q.** Was anyone inside the residence when you entered?

16 **A.** Yes. There were two occupants.

17 **Q.** Who were those occupants?

18 **A.** Mr. Lashley and I'm not real sure about the name of the
19 female. If you could show me the report, I may be able to
20 remember.

21 **Q.** Sure. I can . . .

22 **MS. PERRY:** Permission to approach?

23 **THE COURT:** Yes.

24 **BY MS. PERRY:**

25 **Q.** (Handing.)

~~FALLER - DIRECT~~

1 Take a look at that and let us know if it refreshes your
2 recollection.

3 A. It does.

4 Q. And who were the occupants on that particular day?

5 A. Mr. Melvin Lashley and Ms. Tamika Webb.

6 Q. I'm going to show you Government's Exhibit IND-58.

7 Do you recognize this person?

8 A. Yes, ma'am.

9 Q. Who is that?

10 A. Mr. Lashley.

11 Q. Now, ultimately, was the residence searched?

12 A. Yes.

13 Q. Was anything recovered?

14 A. Not that I know of.

15 Q. Nothing was recovered from inside of the residence?

16 A. Yes, from within the residence; but from his person, I do
17 not believe so.

18 Q. Okay. So what was recovered from inside the residence?

19 A. There were numerous items of evidentiary -- may I refer to
20 the notes, please?

21 Q. If you need it to refresh your recollection.

22 A. I know that two firearms were recovered from the
23 residence, a cell phone, several items of clothing, and two
24 firearms were recovered -- did I already say two firearms? I'm
25 sorry if I did.

~~FALLER - DIRECT~~

1 Narcotics, which we believed to be heroin, was recovered
2 as well.

3 **Q.** So let me start, first of all, by showing you -- first of
4 all, were photos taken of the items recovered in the residence?

5 **A.** Yes, ma'am.

6 **Q.** So I'll start by showing you Government's Exhibit SW-8-A.
7 What are we looking at here?

8 **A.** The apartment.

9 **Q.** And turning to SW-8-B.

10 Can you tell us what we're looking at here.

11 **A.** Yes. It looks to be a windowsill, and there's narcotics.
12 If you were to look in the top left corner, there's a small,
13 black item -- object. I can't tell you what that is, next to
14 two candlesticks -- candle posts. And there's narcotics right
15 behind that laying near the Venetian blind.

16 **Q.** And did you -- what do you believe those narcotics to be
17 based on your training and experience?

18 **A.** Heroin.

19 **Q.** Showing you SW-8-C, what are we looking at here?

20 **A.** A telephone and a baseball hat.

21 **Q.** Turning to SW-8-D, what are we looking at here?

22 **A.** It's the same baseball hat, and inside of the hat is a
23 small plastic bag.

24 **Q.** And did you recover anything from inside of the hat?

25 **A.** Yes. That small plastic bag was, in fact, recovered,

~~FALLER - DIRECT~~

1 which contained a brown substance.

2 Q. And what did you believe that substance to be, based on
3 your training and experience?

4 A. That as well to be suspected heroin.

5 Q. Showing you SW-8-E.

6 What are we looking at here?

7 A. That is a bed frame. And underneath it, in the middle of
8 the picture, you can see a small, black firearm.

9 Q. And was that recovered on that particular day?

10 A. Yes, ma'am, it was.

11 Q. Turning to SW-8-F.

12 What are we looking at here?

13 A. That's, in fact, that firearm that was under the bed.

14 Q. Turning to SW-8-G.

15 And what are we looking at here?

16 A. That's an additional firearm.

17 Q. And did you learn who this particular firearm, the one in
18 SW-8-G, belonged to?

19 A. Yes, ma'am.

20 Q. And who did that firearm belong to?

21 A. Ms. Tamika Webb.

22 Q. And did you learn whether or not this particular firearm
23 was lawfully owned?

24 A. It was lawfully owned by Ms. Webb; whereas, she worked
25 security.

~~FALLER - DIRECT~~

1 Q. And what about the other firearm that we saw?

2 A. No, ma'am. That was not lawfully owned by anyone there.

3 Q. Now, I want to approach and show you

4 Government's Exhibit F-20.

5 (Hanging.)

6 Can you tell us what Government's Exhibit F-20 is.

7 A. That is, in fact, that firearm we just saw pictures of.

8 Q. And is that the firearm that you recovered on

9 September 27th of 2016?

10 A. Yes, ma'am, it was.

11 Q. Now, I want to go back to talk about the drugs that we saw
12 in the photographs.

13 Can you tell us what the quantity of drugs or approximate
14 quantity of the drugs we saw in the photographs was.

15 A. The picture near the windowsill, I think it was an
16 approximate weight of 15 grams. And the plastic bag that was
17 contained within the brim of the hat was approximately 5 grams.

18 Q. And based on your experience and your training, what can
19 you say about that particular quantity?

20 A. It's a quantity that shows a clear intent to distribute
21 that same, to use it to distribute on the street, not for
22 personal use.

23 MS. PERRY: Court's indulgence.

24 Nothing further, Your Honor. Thank you.

25 THE COURT: Cross-examination.

~~FALLER - CROSS~~

Mr. Trainor.

MR. TRAINOR: Thank you.

CROSS-EXAMINATION

BY MR. TRAINOR:

Q. Good morning, Officer Faller. How are you?

A. Good morning, sir. How are you?

Q. Good.

Now -- so basically, you were undercover doing surveillance in August of 2016; correct?

A. Yes.

Q. And you told us about some observations you made, I believe, between August 11th and, say, August 16th of 2016?

A. Correct.

Q. All right. And you described seeing a young man in green shorts and a white tank top?

A. Yes, sir.

Q. And that was in an area approximately a mile or so from the 5200 block of Windsor Mill Road?

A. I can't tell you exactly how far away it was, but I would presume it's about a mile.

Q. All right. And according to your observations, you saw this person in green shorts and a white tank top making contact with people who came in and out of the area; is that right?

A. Yes, sir.

Q. And you assumed or you -- based on your training and

~~FALLER - CROSS~~

1 experience, that that might be drug transactions going on.

2 A. Yes, sir.

3 Q. All right. And is that the person you approached and
4 asked if you could get drugs in that area?

5 A. You're correct.

6 Q. And he's the one who sent you on your way; am I right?

7 A. He, in fact, did, yes.

8 Q. What was his name?

9 A. I cannot tell you that.

10 Q. You don't know his identity at all?

11 A. No, sir, I do not.

12 Q. All right. And you didn't arrest him?

13 A. No, sir, I did not.

14 Q. All right. Now, the observations you made between
15 August 11th and August 16th of 2016, did you take photographs
16 of what you were seeing?

17 A. No, sir, I did not.

18 Q. All right. And as I understand it, you were not listening
19 to any phone calls in realtime, were you?

20 A. I myself was not, no, sir.

21 Q. All right. You were just eyeballing or visual -- looking,
22 surveilling, if you will, the area?

23 A. Yes, sir.

24 Q. All right. You didn't make any arrests?

25 A. No, sir.

~~FALLER - CROSS~~

1 Q. And other than that time that you approached the person
2 who had a needle in his arm or her arm, you didn't seize any
3 drugs that you described?

4 A. No, sir, I did not.

5 Q. And so there was no seizure of drugs other than what was
6 taken from the person who was stopped with the needle in their
7 arm?

8 A. You're correct.

9 Q. And you didn't seize any money or guns or anything like
10 that, did you?

11 A. No, sir, I did not.

12 Q. All right. And you can't tell us who this green -- person
13 in green shorts and a white tank top was?

14 A. No, sir, I cannot.

15 Q. Did you speak with Mr. Lockley?

16 A. No, sir.

17 Q. All right. So have you ever spoken with Mr. Lockley?

18 A. I have not.

19 Q. All right. So you had no basis other than listening to
20 these recordings prior to your testimony to identify his voice.

21 A. No, sir.

22 MR. TRAINOR: All right. Thank you.

23 THE WITNESS: You're welcome.

24 THE COURT: Thank you, Mr. Trainor.

25 Anybody else?

~~FALLER - CROSS~~

MR. DAVIS: Briefly.

CROSS-EXAMINATION

BY MR. DAVIS:

Q. Detective, you testified that the BP area was targeted, and that's why you went in to look around; correct?

A. I don't remember using the word "targeted," but I may have, yes.

Q. Well, I'm probably paraphrasing, but that's --

A. That's okay.

Q. -- essentially, that's what -- I mean, it was part of the -- it was being investigated?

A. It was part of the investigation; you are correct, sir.

Q. And were there certain individuals that were targeted prior to you going -- actually physically going into the area and talking to people?

A. I'm sorry. I don't really understand your question. I apologize.

Q. Did you view photographs? Were there particular people of interest before you went into the area? Or were you just going in cold to see who was in there?

A. No, sir. The first part, whereas, you said that we knew there were individuals in there; you are correct.

Q. So you viewed photographs of the individuals before you went in?

A. I have viewed photographs; you are correct.

~~FALLER - CROSS~~

1 Q. And you did not view a photograph of Sydni Frazier before
2 you went in that day on May 2nd of 2016; correct?

3 A. I cannot specifically said [sic] if I saw Mr. Frazier in
4 those photographs, no, sir.

5 Q. And, actually, on that day, you didn't know the name
6 "Sydni Frazier"; correct?

7 A. I did not know who Mr. Frazier was, no, sir.

8 Q. And you did not know the name "Sydni Frazier" for some
9 time after that incident; correct?

10 A. I'm sorry. For some time after that incident?

11 Q. Yes. After May 2nd, 2016, when you went in and saw people
12 in the Subway shop, there was some time passed before you put
13 the name "Sydni Frazier" into the picture.

14 A. I had not -- I had no interaction or anything further with
15 him after that date.

16 Q. But you didn't even know his name after that date. It
17 just didn't -- it wasn't -- it wasn't important.

18 A. Well, I already knew his name after that date.

19 Q. After that day on May 2nd of two thousand --

20 A. On May 2nd, now the identity is learned, so now I know his
21 name; correct.

22 Q. After May 2nd, I mean, like, literally on May 2nd, you
23 learned his name?

24 A. We immediately -- I was shown pictures; yes, sir.

25 Q. When you came out of the area --

~~FALLER - CROSS~~

1 A. Yes.

2 Q. -- on May 2nd?

3 Now, the text messages that were going back and forth,
4 that was about a partying quantity of cocaine base. That's
5 what you were looking for; correct?

6 A. I was looking to purchase; you are correct, yes, sir.

7 Q. User amount of cocaine base.

8 A. No, sir.

9 Q. Well, partying, I mean, that's what the term implies,
10 doesn't it? That people use it to party?

11 A. Well, there's also the fact that someone has to throw the
12 party, so that could be me.

13 Q. It was still a partying quantity.

14 A. But it's a quantity that can be used for further
15 distribution, clearly.

16 Q. Now, you never actually bought anything from the
17 individual, the photograph that you identified as
18 Sydni Frazier. You never actually bought anything from him,
19 did you?

20 A. No, sir.

21 Q. And the guys, when you were in the Subway and you came
22 out, they kind of laughed at you initially; correct?

23 A. They did.

24 Q. The text messages were coming from two different phones;
25 correct?

~~FALLER - CROSS~~

1 **A.** Yes, sir.

2 **Q.** Now, when someone sends a text message, you don't know
3 who's actually texting. You can't see them; right?

4 **A.** Correct.

5 **Q.** And when someone sends you a text message, you can't hear
6 them either; correct?

7 **A.** Yes.

8 **Q.** Now, did you run the numbers on the phones?

9 **A.** I, myself, did not.

10 **Q.** Did you try to identify the person on the other end of the
11 phone through the phones themselves?

12 **A.** I'm sorry. I don't really understand your question.

13 **Q.** Well, did you use the phone numbers to try to identify
14 anyone?

15 **A.** Well, the problem with that lies in that most people that
16 are involved in illicit activities don't use their real name.

17 **Q.** And based on your experience in narcotics investigations
18 and just investigations in general, would it be fair to say
19 that a lot of guys, they switch these cell phones around like
20 we change our socks?

21 **A.** Switch them? I'm not sure I understand.

22 **Q.** Pass them back and forth. Not pay the bill. Get another
23 one a week later.

24 **A.** Well, in my experience with this type of organization, one
25 phone number is kept very concrete because you don't want to

~~FALLER - CROSS~~

1 lose your customer base, so losing a phone number would be very
2 detrimental to the sales for that organization; so not often,
3 no.

4 Q. When you say "this organization," what are you referring
5 to?

6 A. The MMP.

7 Q. Okay. Is Sydni Frazier MMP?

8 A. I cannot tell you definitively.

9 Q. But you used the word "this organization" when you
10 referenced telephone numbers that we were talking about in
11 reference to him.

12 A. Yes, sir.

13 Q. Now, you've been an undercover officer for a number of
14 years, haven't you?

15 A. I have.

16 Q. That requires a certain degree of acting capability, does
17 it not?

18 A. Sir, it does.

19 Q. It requires a certain ability to deceive people to
20 accomplish your goal; correct?

21 A. Correct.

22 Q. And you've been doing it for how many years now?

23 A. Probably in excess of 16.

24 Q. But the bottom line is you never bought anything from
25 Sydni Frazier; correct?

~~FALLER - CROSS~~

1 **A.** You are correct.

2 **MR. DAVIS:** Thank you.

3 **THE WITNESS:** You're welcome.

4 **THE COURT:** Anybody else?

5 (No response.)

6 **THE COURT:** Any redirect?

7 **MS. PERRY:** No, Your Honor. Thank you.

8 **THE COURT:** Okay. Thank you, sir. You are excused.

9 **THE WITNESS:** Thank you, Your Honor.

10 Thank you.

11 (Witness excused.)

12 **THE COURT:** All right. We'll take the mid-morning
13 recess.

14 The jury is excused.

15 (Jury left the courtroom at 11:35 a.m.)

16 **THE COURT:** All right. And the gallery is excused.

17 (Pause.)

18 **THE COURT:** That would be the entire gallery.

19 All right. And we'll take our mid-morning recess.

20 (Recess taken.)

21 **THE COURT:** All right. Ready for the jury?

22 **MS. HOFFMAN:** Yes.

23 (Jury entered the courtroom at 11:56 a.m.)

24 **THE COURT:** Does the Government have another witness?

25 **MS. HOFFMAN:** The Government calls Victor Villafane.

~~VILLAFANE - DIRECT~~

THE CLERK: Please raise your right hand.

DETECTIVE VICTOR VILLAFANE, GOVERNMENT'S WITNESS, SWORN.

THE CLERK: Please be seated.

Please speak directly into the microphone.

State and spell your full name for the record, please.

THE WITNESS: Victor Villafane, V-I-C-T-O-R,

V-I-L-L-A-F-A-N-E.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. HOFFMAN:

Q. Good morning, Detective Villafane.

A. Good morning.

Q. With which law enforcement agency are you employed?

A. Baltimore Police Department.

Q. Can you tell us your unit and title.

A. I am a detective in the Southwest District.

Q. And how long have you been with the Baltimore Police Department?

A. Over seven years.

Q. As of early 2016, what unit were you in?

A. I was in the drug unit in the Southwest.

Q. Are you familiar with a BP gas station at the intersection of Windsor Mill Road and Forest Park Avenue in the Southwest District?

A. Yes.

~~VILLAFANE - DIRECT~~

1 Q. Have you done enforcement in that area?

2 A. Yes.

3 Q. Have you responded to calls for service at that location?

4 A. Yes.

5 Q. And have you made arrests in that area?

6 A. Yes.

7 Q. Can you tell us what kind of neighborhood it is.

8 A. For the most part, there's a lot of apartments. It's
9 quiet, but in that exact area of the gas station, it's a --
10 it's a drug hub.

11 Q. And have you conducted surveillance there at the gas
12 station?

13 A. Yes.

14 Q. Have you observed drug transactions there?

15 A. Yes.

16 Q. Can you describe what you would see at that location.

17 A. It would be more of a drive-through --

18 MS. WHALEN: Objection, Your Honor. Can we have some
19 time, date, some other information.

20 THE COURT: Sure.

21 BY MS. HOFFMAN:

22 Q. Sticking with the 2015-2016 time period.

23 THE COURT: That's two years. Can we narrow it
24 slightly more.

25 MS. HOFFMAN: Sure.

~~VILLAFANE - DIRECT~~

1 **BY MS. HOFFMAN:**

2 **Q.** Early 2016.

3 **A.** Yes. It will be of a -- more of a drive-through.
4 Vehicles will pull into the gas station as if they were pumping
5 gas. Either the driver will get out of the car and enter the
6 gas station. Or that's where the transaction will occur. Or
7 the actual drug dealer will come up to the window of the car
8 and sell the drug; then the vehicle will drive away.

9 **Q.** And did you ever see cars pull into that location with
10 out-of-state plates?

11 **A.** Yes.

12 **Q.** What plates would you see?

13 **A.** Most commonly it was Virginia, West Virginia, and
14 Pennsylvania.

15 **Q.** I want to direct your attention to January 26th of 2016 at
16 approximately 6:30 in the evening.

17 Were you working and on duty?

18 **A.** Yes.

19 **Q.** And what were you doing?

20 **A.** I was -- we were conducting proactive enforcement that
21 day.

22 **Q.** And where were you conducting proactive enforcement?

23 **A.** At the area of Forest Park and Windsor Mill.

24 **Q.** Did you go to a particular location?

25 **A.** Yes.

~~VILLAFANE - DIRECT~~

1 Q. Where did you go?

2 A. We initially went to the -- an apartment building located
3 on North Forest Park.

4 Q. And let me pull up Government's Exhibit MAP-34.

5 And, first, can you tell me: Was there an individual who
6 you were looking for in particular?

7 A. Yes.

8 Q. Who was that?

9 A. Jacob Bowling.

10 Q. And you said you went, first, to an apartment complex on
11 North Forest Park Avenue. Are you able to show us where you
12 went first?

13 A. Yes.

14 Q. Can you point it out. You should be able to touch the
15 screen, and it will actually show up on the screen.

16 A. (Witness complies.)

17 Q. And did you find Mr. Bowling there?

18 A. No.

19 Q. And where did you go next?

20 A. We proceeded to go to the gas station located at
21 Forest Park and Windsor Mill.

22 Q. And let me show you Government's Exhibit IND-12.

23 Who is that?

24 A. That's Jacob Bowling.

25 Q. So that's the person you were looking for that day?

~~VILLAFANE - DIRECT~~

1 **A.** Yes.

2 **Q.** And you said you went to the gas station. And let me show
3 you Government's Exhibit MAP-23.

4 Do you recognize this location?

5 **A.** Yes.

6 **Q.** What are we looking at here?

7 **A.** That's the gas station located at North Forest Park and
8 Windsor Mill.

9 **Q.** And why -- can you just tell us, generally speaking, why
10 were you looking for Jacob Bowling?

11 **A.** 'Cause we had intelligence that he had a large amount of
12 narcotics on him.

13 **Q.** So when you went to the gas station, what did you observe?

14 **A.** As I was pulling into the gas station, I was looking at
15 the -- at the glass door inside the small vestibule. I
16 observed several individuals in there. I focused my attention
17 on one.

18 As I was driving towards the front door of the gas
19 station, I observed this individual retrieve the -- a handgun
20 from his waistband and attempted to put it in the coin slot on
21 the vestibule towards the back of the gas station attendant.

22 As I keep driving forward, I seen him grab the handgun
23 again, then put it on the turnstile, which is the little turn
24 (indicating). He placed it in there and turned it and stood in
25 front of it, his back towards it.

~~VILLAFANE - DIRECT~~

1 Q. And the coin slot and the turnstile that you described,
2 are those in between the store and where the clerk sits?

3 A. Yes. That separates the vestibule and the actual store
4 clerk.

5 Q. And did you have a clear view through the glass doors as
6 you were approaching?

7 A. Yes.

8 Q. Were you able to actually see that it was a gun?

9 A. Yes.

10 Q. Were you later able to identify that individual?

11 A. Yes.

12 Q. And who was it? What was his name?

13 A. Mr. Walker.

14 Q. I'm going to show you Government's Exhibit IND-92.

15 Who's that?

16 A. That's Mr. Walker.

17 Q. So when you entered the store -- well, did you enter the
18 store?

19 A. Yes.

20 Q. And what did you do when you entered?

21 A. I immediately placed Mr. Walker under arrest.

22 Q. And did you attempt to recover the weapon?

23 A. Yes.

24 Q. Tell us what you did.

25 A. Then I -- as I was placing Mr. Walker under arrest, I

~~VILLAFANE - DIRECT~~

1 observed the gas station clerk, Mr. Mensa (ph), he reached into
2 the coin style; grabbed the revolver, the silver revolver; and
3 placed it under the table.

4 Q. Did you give him an instruction?

5 A. Yes. I gave him instructions to open the door and give me
6 access to the back of the gas station. He hesitated at first,
7 but then he complied.

8 Q. And were you able to recover the weapon?

9 A. Yes, I did.

10 Q. And where did you recover it?

11 A. It was behind the counter exactly where I observed him
12 place it.

13 Q. And what kind of weapon was it?

14 A. It was a Taurus .357 Magnum revolver.

15 Q. I'm going to approach and show you

16 Government's Exhibit F-15.

17 (Handing.)

18 Can you tell us what that is.

19 A. Yes. This is a Taurus .357 Magnum revolver that I
20 recovered from behind the counter.

21 Q. And I'm going to show you Government's Exhibit F-15-A.

22 And what are we looking at here?

23 A. That's a photograph of the same revolver that is right in
24 front of me that was recovered from the gas station.

25 Q. And was it loaded?

~~VILLAFANE - DIRECT~~

1 **A.** Yes.

2 **Q.** What did you do next?

3 **A.** After I recovered the revolver, I placed Mr. Mensa (ph)
4 under arrest. As well, I called for backup units. We had
5 units on standby in the area.

6 The units finally showed up, and we were able to place the
7 rest of the individuals that were in that vestibule in
8 handcuffs.

9 **Q.** And how many other individuals were in the vestibule area
10 with Mr. Walker?

11 **A.** Three other.

12 **Q.** And were you able to identify the people who were with
13 Mr. Walker?

14 **A.** Yes.

15 **Q.** And who were they?

16 **A.** Mr. Blackwell, Mr. Stewart, and Mr. Talley.

17 **Q.** I'm going to show you Government's Exhibit IND-10.
18 Who's that?

19 **A.** That's Mr. Blackwell.

20 **Q.** And I'm going to show you Government's Exhibit IND-87.
21 Who's this?

22 **A.** That's Mr. Talley.

23 **Q.** And, finally, Government's Exhibit IND-85 -- oops. I'm
24 sorry. That's not right. Apologies.

25 IND-86. I apologize.

~~VILLAFANE - DIRECT~~

1 Who are we looking at there?

2 A. Mr. Stewart.

3 Q. Now, you mentioned that Mr. Blackwell, Mr. Talley, and
4 Mr. Stewart were also placed in handcuffs?

5 A. Yes.

6 Q. And were they ultimately searched?

7 A. Yes.

8 Q. And can you tell us, starting with Mr. Blackwell -- I'll
9 pull up IND-10.

10 Can you tell us what was recovered from Mr. Blackwell.

11 A. From Mr. Blackwell, we recovered a clear bag containing
12 nine clear plastics containing rock substance, suspected
13 heroin, and two pink Ziplocs containing suspected marijuana.

14 Q. And did you recover any currency from him?

15 A. Yes.

16 Q. I'm going to approach and show you
17 Government's Exhibit D-13-C.

18 (Hanging.)

19 Can you tell us what we're looking at there or what you're
20 looking at there.

21 A. We're looking at the suspected heroin and marijuana that
22 was recovered.

23 Q. I'm going to pull up Government's Exhibit AP-4-D.

24 And what are we looking at here?

25 A. That's a photograph of the suspected heroin and marijuana

~~VILLAFANE - DIRECT~~

1 that was recovered.

2 Q. Pulling back up Government's Exhibit IND-87, who you
3 identified as Mr. Talley, what, if anything, was recovered from
4 Mr. Talley?

5 A. There was a revolver recovered from Mr. Talley.

6 Q. And I'm going to approach and show you -- well, first, let
7 me pull up Government's Exhibit AP-4-A.

8 And can you tell us what we're looking at here.

9 A. Yeah. That's the photograph of Mr. Talley.

10 Q. And are you able to see what's in his inside jacket pocket
11 there?

12 A. Yes; the revolver.

13 Q. And I'm showing you Government's Exhibit AP-4-B.

14 And what are we looking at here?

15 A. That's a close-up photograph of the pocket and the
16 revolver.

17 Q. I'm going to approach and show you
18 Government's Exhibit F-13.

19 (Hanging.)

20 Can you tell us what you're looking at there.

21 A. This is the revolver that was recovered from Mr. Talley.

22 Q. And I'm going to pull up Government's Exhibit F-13-A.

23 And what are we looking at there?

24 A. That's the photograph of this revolver.

25 Q. Finally, pulling back up Government's Exhibit IND-86, who

~~VILLAFANE - DIRECT~~

1 you identified as Mr. Stewart, what, if anything, was recovered
2 from Mr. Stewart?

3 **A.** There was a SIG SAUER handgun, .45 caliber, that was
4 recovered from him.

5 **Q.** And were there any narcotic -- or suspected narcotics
6 recovered from him?

7 **A.** Yes.

8 **Q.** And do you recall -- do you recall what was recovered?

9 **A.** It was nine green Ziplocs, I believe, containing rock
10 substance, suspected cocaine.

11 **Q.** I'm going to approach and show you
12 Government's Exhibit F-14.

13 (Hanging.)

14 What are you looking at there?

15 **A.** This is the SIG SAUER that was recovered from Mr. Stewart.

16 **Q.** And I'm going to pull up Government's Exhibit F-14-A.

17 What are we looking at here?

18 **A.** That's a photograph of the -- this handgun that is in
19 front of me right now.

20 **Q.** And I'm going to approach and show you Government's
21 Exhibit D-13-B.

22 (Hanging.)

23 Can you tell us what you have in front of you there.

24 **A.** This is the suspected cocaine that was recovered from
25 Mr. Talley.

~~VILLAFANE - DIRECT~~

1 Q. I'm going to pull up Government's Exhibit AP-4-C.

2 What are we looking at here?

3 A. That's a photograph of the suspected cocaine that was
4 recovered from Mr. Talley -- from Mr. Stewart.

5 Q. After Mr. Walker was placed under arrest, was there an
6 additional search of his person conducted?

7 A. Yes.

8 Q. And what, if anything, was recovered from Mr. Walker?

9 A. It was a clear bag containing suspected heroin.

10 Q. And I'm going to approach and show you
11 Government's Exhibit D-13-D.

12 (Handing.)

13 Can you tell us what you have in front of you there.

14 A. This is the suspected heroin that was recovered from
15 Mr. Walker.

16 Q. I'm going to pull up Government's Exhibit AP-4-E.

17 And what are we looking at here?

18 A. That is a photograph of the suspected heroin that was
19 recovered from Mr. Walker.

20 Q. Did you recover any drug-trafficking paraphernalia from
21 the store?

22 A. Yes. I recovered packaging material and a digital scale.

23 Q. And I'm going to show you Government's Exhibit AP-4-G --
24 no. I'm sorry.

25 AP-4-F.

VILLAFANE - DIRECT

1 And what are we looking at here?

2 A. That's a photograph of the digital scale that was
3 recovered from the store.

4 Q. And, finally, I'm going to show you
5 Government's Exhibit AP-4-G.

6 What are we looking at here?

7 A. That's an overview photograph of the currency, the drugs,
8 and the handguns that were recovered on this date.

9 Q. Detective Villafane, were you able to review footage of
10 the incident on the surveillance camera system at the BP gas
11 station?

12 A. Yes.

13 Q. And I want to approach and show you
14 Government's Exhibit SF-8.

15 (Hanging.)

16 Have you had a chance to review the footage on that disc
17 before coming in here today?

18 A. Yes.

19 Q. And is it a fair and accurate compilation of clips from
20 the surveillance footage as you saw it on the cameras at the BP
21 gas station?

22 A. Yes.

23 Q. I'm going to play some clips of the footage for you,
24 starting with Government's Exhibit SF-8-A.

25 (Video played.)

~~VILLAFANE - DIRECT~~

1 **BY MS. HOFFMAN:**

2 **Q.** And can I direct your attention to the date and timestamp
3 in the bottom right. Do you mind -- I guess it's in two
4 places. But would you mind reading that date and timestamp for
5 us.

6 **A.** Yes. It's January 26th, 2016, at 18:13 hours.

7 **Q.** And I believe you said you arrived at the gas station
8 somewhere around 6:30; is that right?

9 **A.** Yes.

10 **Q.** So is this before you arrived at the BP gas station?

11 **A.** Yes.

12 **Q.** I'm going to continue playing. But, first, are you able
13 to identify the individuals in this -- on the left screen?

14 **A.** Yes.

15 **Q.** And who are they?

16 If I continue playing, maybe that will help.

17 **A.** This right here, next to the ATM, is Mr. Stewart
18 (indicating).

19 This is Mr. Walker dancing (indicating).

20 The one that is walking out is Mr. Blackwell (indicating).

21 And this is Mr. Talley (indicating).

22 **Q.** Thank you.

23 At a certain point did someone else who you recognized
24 come into the store?

25 **A.** Yes.

~~VILLAFANE - DIRECT~~

1 Q. Do you see the gentleman approaching with what looks like
2 maybe a red-colored hoodie who's just walking in now?

3 A. Yes.

4 Q. Who is that person?

5 A. That's Mr. Jacob Bowling.

6 Q. And is that the person who you were looking for that day?

7 A. Yes.

8 Q. Does he appear to be interacting with the other
9 individuals in the store?

10 A. Yes.

11 Q. I'm going to play you another clip, and this is going to
12 be Government's Exhibit SF-8-B.

13 (Video played.)

14 **BY MS. HOFFMAN:**

15 Q. And do you see the date and timestamp here? It says
16 January 26th, 2016, at 18:22-and-some-odd seconds?

17 A. Yes.

18 Q. And is this, again, before you arrived at the BP gas
19 station?

20 A. Yes.

21 Q. Can you identify the people in this video.

22 A. Yes. We have Mr. Bowling, Mr. Walker, Mr. Stewart,
23 Mr. Talley, and Mr. Blackwell.

24 Q. Do you see that there's a gentleman approaching in the
25 right screen from a pickup truck?

~~VILLAFANE - DIRECT~~

1 **A.** Yes.

2 **Q.** And I just want to direct your attention to him.

3 Can you tell us for the record what you just saw happen.

4 **A.** That's a hand-to-hand CDS transaction.

5 **Q.** And did you see who it was who the gentleman from the
6 pickup truck had that transaction with?

7 **A.** Yes.

8 **Q.** Who was that?

9 **A.** Mr. Walker.

10 **Q.** Okay. I'm going to show you another clip. This one's
11 Government's Exhibit SF-8-C.

12 (Video played.)

13 **BY MS. HOFFMAN:**

14 **Q.** And do you see how the timestamp here says January 26th,
15 2016, 18:29-and-some-odd seconds?

16 **A.** Yes.

17 **Q.** Is that just shortly before you arrived at the BP?

18 **A.** Yes.

19 **Q.** And you see that there's a gentleman approaching entering
20 the store right now in tan clothing?

21 **A.** Yes.

22 **Q.** And I want to direct your attention on him.

23 And can you tell us for the record what you just saw
24 happen.

25 **A.** The individual with the tan is retrieving the money while

~~VILLAFANE - DIRECT~~

1 Mr. Blackwell over here (indicating) retrieved the suspected
2 narcotics off of his front waistband area.

3 Q. And, finally, I'm going to show you one more clip. This
4 one's Government's Exhibit SF-8 -- SF-8-D.

5 (Video played.)

6 BY MS. HOFFMAN:

7 Q. And do you see how -- I just paused it for a second -- the
8 timestamp here says 18:35 and 26 seconds?

9 A. Yes.

10 Q. Is this about the time that you arrived at the BP?

11 A. Yes.

12 (Video played.)

13 THE WITNESS: You can actually see my vehicle here
14 pulling in (indicating).

15 BY MS. HOFFMAN:

16 Q. And feel free to explain what you were able to see as this
17 was occurring.

18 A. Well, right now Mr. Walker right there (indicating) tried
19 to put the gun in the coin style. Then he placed it on the
20 turnstile, and that's when the gas station attendant turned it
21 and placed it under the cabinet.

22 At that point I placed Mr. Walker under arrest. I passed
23 him on to my partner, and I proceeded to tell the gas station
24 attendant to come around and open the door for me so I can
25 retrieve the gun.

VILLAFANE - DIRECT

1 **MS. HOFFMAN:** Thank you very much.

2 I have no further questions.

3 **THE COURT:** Thank you.

4 Let me see if there are any questions.

5 **MS. WHALEN:** No questions.

6 **THE COURT:** Okay.

7 **MR. HAZLEHURST:** None on behalf of Mr. Davis.

8 **THE COURT:** Thank you very much, sir.

9 **THE WITNESS:** Thank you, Your Honor.

10 **THE COURT:** You are excused.

11 (Witness excused.)

12 **THE COURT:** Government have another witness?

13 **MS. PERRY:** Yes, Your Honor. The Government calls
14 Robert Pulliam.

15 **THE CLERK:** Please raise your right hand.

16 SPECIAL AGENT ROBERT PULLIAM, GOVERNMENT'S WITNESS,
17 SWORN.

18 **THE CLERK:** Please be seated.

19 **THE WITNESS:** Thank you.

20 **THE CLERK:** Please speak directly into the microphone.
21 State and spell your full name for the record, please.

22 **THE WITNESS:** Yes, ma'am. Robert Pulliam,
23 P-U-L-L-I-A-M.

24 **THE CLERK:** Thank you.

~~PULLIAM - DIRECT~~

DIRECT EXAMINATION

BY MS. PERRY:

Q. Good afternoon.

A. Good afternoon.

Q. Where are you currently employed?

A. I'm employed with NASA.

Q. And what is your title with NASA?

A. I am a Special Agent.

Q. And how long have you been a Special Agent with NASA?

A. A little over two years.

Q. And what are your duties and responsibilities as a
Special Agent with NASA?

A. I'm a criminal investigator, and I also manage the
New York network's security requirements.

Q. Before joining NASA, where did you work?

A. Baltimore City Police Department.

Q. And how long were you at the Baltimore City Police
Department?

A. Eight years.

Q. And back in July of 2015, where were you working?

A. I was working the Special Enforcement Section, Squad 4,
under Sergeant Mike Smith.

Q. Now, I want to direct your attention to July 31st of 2015.
Were you working on that particular day?

A. Yes, ma'am.

~~PULLIAM - DIRECT~~

1 Q. And what were you doing on that day?

2 A. I was with a raid team at 19 South Tremont,
3 Baltimore City, Maryland.

4 Q. And were you assisting with the execution of a
5 search warrant at that location?

6 A. Yes, ma'am.

7 Q. Approximately what time did you arrive at 19 South Tremont
8 that day?

9 A. It was early in the morning.

10 Q. And what was your role in the execution of the
11 search warrant on that day?

12 A. I was taking notes, writing down all the evidence as
13 collected. I was managing the raid packet.

14 Q. Now, did there come a time when you entered the residence
15 on that day?

16 A. Yes.

17 Q. And who, if anyone, did you observe inside the residence?

18 A. I'd have to refer to the notes, but I know one of the
19 individuals was William Jones.

20 Q. And would it refresh your recollection to see your report?

21 A. Yes, please.

22 Q. (Hanging.)

23 Can you take a look at that and let us know if it
24 refreshes your recollection.

25 A. Yes.

~~PULLIAM - DIRECT~~

- 1 Q. So who did you encounter inside of the residence that day?
- 2 A. William Jones, Monica Jones, and an Ashley --
- 3 Ashley David.
- 4 Q. And who was the target of the investigation on that
- 5 particular day?
- 6 A. For that house, it was William Jones.
- 7 Q. I'm going to show you Government's Exhibit IND-55.
- 8 Do you recognize this person?
- 9 A. Yes, ma'am.
- 10 Q. Who is that?
- 11 A. William Jones.
- 12 Q. Now, did you ultimately assist in and conduct a search of
- 13 that particular location?
- 14 A. Yes, ma'am.
- 15 Q. And what, if anything, was recovered from inside the
- 16 location?
- 17 A. We collected narcotics, mail, pictures. I'd have to refer
- 18 to the notes for the other items, but those are the ones that
- 19 stand out in my memory.
- 20 Q. Was there also paperwork recovered?
- 21 A. Yes, ma'am.
- 22 Q. And what about money?
- 23 A. Yes, ma'am.
- 24 Q. You mentioned that there were narcotics recovered. What
- 25 specifically was recovered?

~~PULLIAM - DIRECT~~

1 **A.** Can I refer to the notes?

2 **Q.** If it would refresh your recollection.

3 **A.** It was 36 green Zips with white rock, suspected cocaine.

4 **Q.** Now, I want to start by showing you
5 Government's Exhibit D-11.

6 (Handing.)

7 Do you recognize this?

8 **A.** Yes, ma'am.

9 **Q.** What is it?

10 **A.** This is the evidence collected from 19 South Tremont from
11 the execution of the search-and-seizure warrant.

12 **Q.** And when you say "the evidence collected," what
13 specifically is contained in Government's Exhibit D-11?

14 **A.** We have the narcotics. There should be -- overall, there
15 should have been the narcotics, the cash, pictures, letters,
16 and mail.

17 **Q.** And is what's contained in Government's Exhibit D-11 just
18 the narcotics you described earlier? If you could take a look.

19 **A.** Yes, ma'am, this is the narcotics.

20 **Q.** And were these narcotics submitted -- ultimately submitted
21 to the Baltimore laboratory for testing?

22 **A.** Yes, ma'am.

23 **Q.** Now, I believe you mentioned that there were photographs
24 recovered from the location; is that right?

25 **A.** Correct.

~~PULLIAM - DIRECT~~

1 Q. So I want to show you Government's Exhibit GP-8.

2 Can you tell us what we're looking at here.

3 A. Yes, ma'am. It's a picture collected from

4 19 South Tremont during the search warrant.

5 Q. And can you just read for us what's on the back of the
6 jacket at the center of the photograph.

7 A. Yes, ma'am. [Reading]: Murdaland Mafia, The City Is
8 Ours.

9 Q. I'm going to show you Government's Exhibit GP-9.

10 Do you recognize this?

11 A. Yes, ma'am. It's another one of the photos collected from
12 the search warrant.

13 Q. And Government's Exhibit GP-10.

14 Do you recognize Government's Exhibit GP-10?

15 A. Yes, ma'am. It's, again, one of the photos collected from
16 the search warrant residence.

17 Q. You also mentioned that there was some paperwork recovered
18 from the residence. I'm going to show you
19 Government's Exhibit GP-7-A.

20 Do you recognize Government's Exhibit GP-7-A?

21 A. Yes, ma'am.

22 Q. What is it?

23 A. It's a letter recovered from the residence during the
24 search warrant.

25 Q. And I'll specifically direct your attention to the first

~~PULLIAM - DIRECT~~

1 line. Can you tell us what that says (indicating).

2 A. Yes, ma'am. [Reading]: Mafia, My All Family I Am.

3 Q. And then the second line (indicating).

4 A. [Reading]: MMP, a/k/a LaEMM -- LaEMM, a/k/a . . .

5 Can I read it off the notes?

6 Q. Actually, let me see if I can --

7 A. It's a little blurry on the screen.

8 Q. -- zoom in if that makes it easier.

9 A. Okay. Thank you. There we go.

10 Q. Are you able to see that better?

11 A. Yes, ma'am.

12 [Reading]: MMP, a/k/a LaEMM, a/k/a Sure Thing, a/k/a 667.

13 Q. And can you read the next line for us.

14 A. [Reading]: Ms. -- M's, my blood is my honor. My honor is
15 my blood. If I ever -- if I eva I dishonor, take my blood.

16 Q. And, finally, the next line that's in the zoomed-in
17 portion.

18 A. [Reading]: Omera [sic] is the code of silence. If you --
19 if eva you dishonor it, I shall command you and you shall take
20 your own life.

21 Q. Now, turning to the second page of Government's
22 Exhibit GP-7-A, I'm going to first just zoom in here on the
23 very top.

24 Can you tell us what that first word is.

25 A. Here -- I'm sorry. Here -- [reading]: Heartbeat.

~~PULLIAM~~ - CROSS

1 Sorry. Heartbeat. I was trying to decipher the writing.

2 Q. And then there's one other line here I'm going to ask you.

3 Can you tell us what the highlighted portion says.

4 A. [Reading]: It was meant for us to meet and be introduced
5 as LaEMM, LaEMM.

6 Q. And then, finally, looking down here at the bottom right
7 of the second page, can you tell us what it says here.

8 A. [Reading]: 5200, LaEMM, La Costra Nostra. Lamerta [sic]
9 Costa, Underboss, Bang -- Bangout.

10 Q. Thank you.

11 MS. PERRY: Nothing further, Your Honor.

12 Thank you.

13 THE COURT: All right. Thank you.

14 Any questions?

15 Ms. Whalen.

16 CROSS-EXAMINATION

17 BY MS. WHALEN:

18 Q. Officer, do you know where Tremont Street is in relation
19 to Collins Avenue?

20 A. South Tremont runs off Frederick Avenue in Baltimore City
21 Southwest District.

22 Q. And Frederick Avenue, is that Route 144?

23 A. I'm not sure of the actual route number, ma'am.

24 Q. Okay. Fairly close, maybe a few blocks from
25 Collins Avenue, if you know?

PULLIAM - CROSS

1 **A.** I would have to have a map in front of me. Not off the
2 top of my head. Sorry.

3 **MS. WHALEN:** Okay. Thank you, sir.

4 That's all I have, Your Honor.

5 **THE COURT:** Thank you.

6 Anyone else?

7 (No response.)

8 **THE COURT:** Any redirect?

9 **MS. PERRY:** No, Your Honor.

10 **THE COURT:** Thank you very much, sir.

11 You are excused.

12 **THE WITNESS:** Thank you, Your Honor.

13 (Witness excused.)

14 **THE COURT:** Another witness?

15 **MS. HOFFMAN:** The Government calls Dawn Copper.

16 **THE CLERK:** Please raise your right hand.

17 LIEUTENANT DAWN COPPER, GOVERNMENT'S WITNESS, SWORN.

18 **THE CLERK:** Please be seated.

19 Please speak directly into the microphone.

20 State and spell your full name for the record, please.

21 **THE WITNESS:** Lieutenant Dawn Copper, D-A-W-N,

22 C-O-P-P-E-R.

23 **THE CLERK:** If you could just move a little closer,
24 please.

25 Thank you.

~~COPPER - DIRECT~~

DIRECT EXAMINATION

BY MS. HOFFMAN:

Q. Good afternoon, Lieutenant Copper. Where do you work?

A. Baltimore County Department of Corrections.

Q. And can you tell us your title.

A. Lieutenant.

Q. And you said Baltimore County Department of Corrections.

Do you work at a particular facility?

A. It's only one. It's 720 Bosley Avenue.

Q. And where in Baltimore County is that?

A. Towson, Maryland.

Q. What are your duties and responsibilities as a lieutenant for the Baltimore County Department of Corrections?

A. Just manage the facility, make sure staff are doing what they're supposed to do; and any incidences that occur, I tell people what they need to do.

Q. Back in April of 2016, what was your unit and title then?

A. Sergeant Copper.

Q. And I want to direct your attention to April 8th of 2016. What was your responsibility on that day?

A. That day I was the -- it's called Zone 5, which is how we break the building down. Mainly it was restrictive housing. As the supervisor for that floor, I relieved a third-tour supervisor who had sent an inmate to lockup, which is restrictive housing. And I had to collect his property and go

~~COPPER - DIRECT~~

1 through it and separate what they could have in restrictive
2 housing, what they can't, and then I document it. But as I
3 search it, I make sure that there's no contraband that's in
4 there.

5 Q. And can you explain what restrictive housing and lockup
6 are.

7 A. Yes. That is if an inmate does an incident that's against
8 the policies, they'll receive an incident report. If it's
9 warranted to go to lockup, say, fighting or trying to get staff
10 to bring in contraband, it sends them to restrictive housing.

11 Q. And what property -- I'm sorry.

12 Whose property did you receive on that day?

13 A. Inmate Simms, I think it was.

14 Q. And I'm going to show you Government's Exhibit IND-78.

15 Do you recognize that individual?

16 A. Vaguely.

17 Q. Do you know who it is?

18 A. Is that -- I think that's Simms.

19 Q. Why -- and can you explain, why did you receive Mr. Simms'
20 property?

21 A. He had received an incident report for trying to get staff
22 to bring in contraband.

23 Q. And did you sort and inventory Mr. Simms' property when
24 you received it?

25 A. Yes, I did.

~~COPPER - DIRECT~~

1 Q. Can you describe, generally speaking, what it was, what it
2 included.

3 A. You separate, like, sheets and towels and blankets,
4 underclothes, and then any court paperwork, pictures,
5 commissary, books that they have.

6 Q. And I'm going to -- was there anything in his property
7 that stood out to you?

8 A. He had a composition book that I noticed that there was
9 some -- some writings in it that seemed gang-related, so I
10 removed it.

11 Q. I'm going to approach and show you
12 Government's Exhibit GP-11.

13 (Handing.)

14 Do you recognize that exhibit?

15 A. Yes.

16 Q. What is it?

17 A. It's a composition book that the inmates get and --

18 Q. And is it the composition book that you recovered or that
19 you inventoried on that day?

20 A. Yes.

21 Q. And I'm going to now pull up -- have you had a chance to
22 review the composition book before coming in here today?

23 A. It's been a long time.

24 Q. I'm going to pull up Government's Exhibit GP-11-A.

25 And do you recognize this document?

~~COPPER - DIRECT~~

1 **A.** Yes.

2 **Q.** Is it one of the pages from the composition book? You
3 should feel free to open up the composition book.

4 **A.** Even though it's sealed?

5 **Q.** You can rip it open.

6 **A.** Oh. (Witness complies.)

7 Yes.

8 **Q.** So the page that's up here on the screen, is this a copy
9 of what you have in front of you?

10 **A.** Yes, ma'am.

11 **Q.** And I'd like to direct your attention to a few places in
12 this exhibit.

13 First, if I could, I'm going to highlight -- do you see
14 where it says [reading]: Number 4, Boss of Finance.

15 Down here (indicating)?

16 **A.** Uh-huh.

17 **Q.** Would you mind reading that part for us.

18 **A.** [Reading]: As the overseer of the economic system of the
19 mafia, he represents the pockets of the godfather, which is the
20 mafia's banking system.

21 **Q.** And I'm going to go to the next page.

22 And does this handwriting here appear to be the same or
23 different as the handwriting on the first page?

24 **A.** It appears to be the same.

25 **Q.** I'm sorry. If I could direct your attention to the

~~COPPER - DIRECT~~

1 screen -- you should be able to see it on the screen in front
2 of you. And going from this page to this page, does it appear
3 to be the same or different handwriting?

4 **A.** I guess different 'cause it's smaller. A little bit
5 more -- print's different.

6 **Q.** And then I'm going to go down to the third page.

7 And do you see where it says "answers" at the top of the
8 screen here (indicating)?

9 **A.** Yes.

10 **Q.** Would you mind reading this highlighted section for us.
11 And if you could read it -- are you able to see it on the
12 screen in front of you?

13 **A.** It's blurry, but I can read it off of here.

14 **Q.** Okay. I might be able to zoom in for you.

15 Is that better?

16 **A.** Oh, yes.

17 **Q.** Yeah.

18 **A.** [Reading]: The science behind being 25 percent Piru,
19 75 percent MOB is a representation of our roots, which is Piru,
20 and our bloodline, which is mafia, EMM, dollar sign, come
21 before all. M1 P2, I will murder you for Piru.

22 **Q.** And I'd like to direct your attention to another section
23 here.

24 **MS. HOFFMAN:** And, Your Honor, for efficiency's sake,
25 would it be all right if I read this part into the record?

~~COPPER - DIRECT~~

1 **THE COURT:** Yes. Go ahead, and the witness can follow
2 along and make sure you read it right.

3 **MS. HOFFMAN:** Thank you.

4 **BY MS. HOFFMAN:**

5 **Q.** [Reading]: MMP was started 3/2/09, but our birth date is
6 celebrated on 9/20 of every year because it is a representation
7 of our forefather Bad Guy's birth. Bad Guy wanted to separate
8 the real brothers from the fake when Chu, The Don of Treetop,
9 told the feds on his brothers. Bad Guy was a OOOG of TTP. He
10 chose a OG by the name of Werewolf as well as a few others who
11 eventually got kicked out of the mob by Werewolf.

12 [Reading]: In 2010, Bad Guy and Wolf finally reunited in
13 USP Lee County and the structure of the mob was put into
14 effect. Wolf had recently went to war with the Mexican mafia,
15 solidifying Murdaland Mafia as a problem. This happened in
16 FCI McKean -- McKean 2009. Bad Guy and Wolf made history
17 together for the mob by smashing the New York and New Jersey
18 blood sets in USP Lee, sending a message to the Bloods on the
19 East Coast that we, Murdaland Mafia, run Murdaland -- run
20 Murdaland.

21 [Reading]: In 2011, January, Wolf was released from
22 USP Big Sandy back into society. What he saw was a mockery of
23 Piru and everything it stood for. His first move was to
24 implement . . .

25 And did I read that correctly, Lieutenant Copper?

~~COPPER - DIRECT~~

1 **A.** Yes.

2 **Q.** I'm going to go to the next page.

3 And I want to direct your attention to the top here
4 (indicating).

5 And I'm going to continue reading, and then I'll ask you
6 if I got it right.

7 [Reading]: The RU-print. He got the mob together and
8 gave them the Krimson Pinnacle, the first book of instructions.
9 His next move was confronting other leaders of the Piru nation.
10 At the time it was Moon and Mike Leroy. Moon represented BTTP,
11 and Mike Leroy represented 400 TTP. Moon got his flag
12 snatched, and Mike Leroy got beat up. A few people got hurt,
13 but Wolf didn't want to continue to hurt Piru. So he flew to
14 Cali in 2012. By this time, mobsters had taken over Greenmount
15 and Ilchester, 27th and Boone, Laretta and Warwick, and a part
16 of North and Pulaski. Killa had Ilchester. Gambino had 27th.
17 NizBone had Warwick. Pimp had Pulaski. LAGO and the 5-Deuce
18 have always belonged to the mob.

19 Did I read that right, Lieutenant Copper?

20 **A.** Yes.

21 **Q.** All right. I'm going to go down to the next page.

22 And I'm going to direct your attention to a paragraph
23 here. And, again, I'm going to continue reading and then ask
24 you if I got it right.

25 [Reading]: Also in 2013, Gangsta was named matriarch of

~~COPPER - DIRECT~~

1 the family, and the females all went under her. They
2 terrorized the city, earning lightning bolts. But they were
3 dismantled because the matriarch allowed one of the sisters to
4 snitch on the GF and attempt to bury him under the jail for
5 three choppers that were found in her house.

6 Did I get that right?

7 **A.** Yes.

8 **Q.** And do you see here where it says [reading]: Gambino
9 became the boss of the East?

10 **A.** Yes.

11 **Q.** And do you see this paragraph here where it says
12 [reading]: Black Blood is a reflect of the mob. It represents
13 the last two letters of the mob. It just gets others to do
14 what the mob needs done. The world is a mob zone. Everything
15 is mob -- or everything mob through our eyes.

16 Do you see that?

17 **A.** Yes.

18 **Q.** I'll go down to the next page. Zoom in on this part here.

19 Do you see where it says [reading]: There are mobsters
20 outside of MD. In ATL through Baby Wolf (a/k/a Sumlar) and in
21 DC through M-Easy?

22 **A.** Yes.

23 **Q.** And then below that do you see there's a little star? And
24 it says [reading]: How is he a prospect if you don't want him
25 in the life he's destined to die?

~~COPPER - DIRECT~~

1 **A.** Yes.

2 **Q.** And then do you see down below where it says [reading]:
3 All tattoos are earned?

4 **A.** Yes.

5 **Q.** And, actually, would you mind reading the part below that
6 where it says [reading]: All tattoos are earned.

7 **A.** Yes.

8 [Reading]:

9 M is taking the mafia oath.

10 Lightning bolt sign is killing for the mob.

11 Pink rose is mafia wife.

12 Badge of honor is made man.

13 Wolf imprint is the direct descendent of Werewolf, who has
14 killed.

15 Mafia shield is a capo of the MOBB.

16 **Q.** Thank you.

17 And I'm not going to have you read all of this, but I will
18 scroll through.

19 And I want to zoom in on the section here in the middle.

20 Do you see where it says "roundtable"?

21 **A.** Yes.

22 **Q.** And would you mind reading that part for us.

23 **A.** [Reading]: Boss controls and oversees an entire
24 territory; never . . .

25 I can't see the last part.

~~COPPER - DIRECT~~

1 Q. That's okay.

2 A. I think that says.

3 [Reading]:

4 Underboss enforces laws of the boss without being seer.

5 Capo controls entire territory with his force.

6 Lieutenant enforces laws of the capo.

7 Soldiers put in footwork for roundtable.

8 Q. And, again, I'm not going to have you read everything, but
9 would you mind reading this part for us here.

10 A. [Reading]:

11 Godfather Don, most powerful, omnipotent.

12 Boss of all bosses, force of Giza, voice of Don.

13 Boss of finance, economic system, pockets of Don.

14 Q. And I'm going to scroll down.

15 Now, I want to zoom in on this part here (indicating).

16 Do you see where it says "future release"?

17 A. Yes.

18 Q. Can you read that part.

19 A. [Reading]: Frenemies 2, still can't trust nobody,
20 the mafia.

21 Q. And then do you see on the -- I think this is the last
22 page -- that there's a reiteration of what you read before
23 under the section that said "roundtable"?

24 A. Yes.

25 Q. Lieutenant Copper, aside from assisting with this search

~~COPPER~~ - CROSS

1 and inventory, did you have any other involvement in this
2 investigation?

3 **A.** No.

4 **MS. HOFFMAN:** Thank you very much.

5 No further questions.

6 **THE WITNESS:** Thank you.

7 **THE COURT:** Thank you.

8 Does anybody have any questions?

9 **MS. WHALEN:** Just a couple, Your Honor.

10 **THE COURT:** Sure.

11 CROSS-EXAMINATION

12 **BY MS. WHALEN:**

13 **Q.** Lieutenant, you've seen lots of inmates come and go at
14 Baltimore County Detention Center; right?

15 **A.** That is correct.

16 **Q.** And really, your job was not to deal with Mr. Simms on
17 that day. It was to deal with his property; is that correct?

18 **A.** Correct.

19 **Q.** And he had been sanctioned or disciplined, I think, would
20 be a better term, for trying to get some of the guards to
21 actually bring in narcotics for him; right?

22 **A.** That is correct.

23 **Q.** Okay. And so you took his property, and you saw these --
24 the composition book. And you held on to it; right?

25 **A.** Yes.

~~COPPER - CROSS~~

1 Q. Now, that composition book, it's just a black-and-white,
2 like a school book; right?

3 A. Yes, ma'am.

4 Q. And are they passed out to each inmate when they come to
5 the facility?

6 A. No.

7 Q. Okay. They -- are they purchased?

8 A. Purchased on commissary.

9 Q. In the commissary. Okay.

10 And could I take a look --

11 MS. WHALEN: Could I approach, Your Honor?

12 THE COURT: Of course.

13 BY MS. WHALEN:

14 Q. I'll just take a quick look.

15 A. (Hanging.)

16 Q. (Reviews exhibit.)

17 Now, were there other items of Mr. Simms at the -- I mean
18 in his cell when you had to move things and gather things?

19 A. I'm pretty sure he had commissary and pictures and things
20 like that.

21 Q. Okay. But --

22 A. I can't recall.

23 Q. You don't know what it was right now. Sure.

24 And just like you said, you know, that picture looked
25 vaguely familiar, that's because you see so many different

~~COPPER - CROSS~~

1 people; right?

2 A. Yes, ma'am.

3 Q. You're assuming because they put a picture up there that
4 it really is Mr. Simms?

5 A. Yes, ma'am.

6 Q. Do you recall -- and I'm not -- I apologize. I'm not
7 exactly sure which page. But within that composition book, I'm
8 just going to show you one other page -- no, I'm not. Let's
9 see.

10 THE COURT: Ms. Moyé is switching it, I believe.

11 MS. WHALEN: Oh, thank you.

12 BY MS. WHALEN:

13 Q. At the very top of the page, it said "12 Steps."

14 A. Yes.

15 Q. And then there were [reading]: Create your mission on why
16 your business exists.

17 Is that correct?

18 A. Yes.

19 Q. That's right on there too.

20 And do you know whose handwriting this is?

21 A. No, ma'am.

22 Q. [Reading]: Define your vision of what you want your
23 business will become.

24 Is that correct, on number 2?

25 A. Looks correct, yes.

~~COPPER - CROSS~~

1 Q. And then more [reading]: Define the market for your
2 business.

3 Number 3; is that right?

4 A. Yes.

5 Q. And it just keeps going down to 12 -- pardon me, 11 steps
6 on that page. The 11th one [reading]: Gather all info to
7 define the company.

8 A. Yes.

9 Q. And then finally, number 12 [reading]: Include marketing
10 materials, contacts, and employee responsibility -- excuse me,
11 résumé and responsibility.

12 Is that correct?

13 A. Can you pull it down. I can't see it.

14 Q. Oh, you're right. Okay.

15 [Reading]: Include marketing materials, contracts, and
16 employee résumés and responsibility; correct?

17 A. Yes.

18 Q. Do you know what these 12 steps are?

19 A. No.

20 MS. WHALEN: Thank you very much, Lieutenant.

21 THE CLERK: Ms. Whalen, are you marking that?

22 MS. WHALEN: It's already within 11 --

23 THE CLERK: Okay.

24 MS. WHALEN: -- Government's exhibit.

25 THE CLERK: Okay.

~~COPPER - CROSS~~

THE COURT: Anyone else?

(No response.)

THE COURT: Any redirect?

MS. HOFFMAN: Oh, I'm sorry. No redirect.

THE COURT: Thank you very much, Lieutenant.

You are excused.

(Witness excused.)

THE COURT: Can I see counsel briefly on the schedule.

(Bench conference on the record:

THE COURT: I'm just assuming this is a good time for the lunch recess. Will you have somebody else?

MS. HOFFMAN: We do, yes.

THE COURT: Just planning on the recess, lunch recess, and there will be other witnesses.

MS. HOFFMAN: Yes. We have two, potentially three. We are moving a little faster than we had expected, but we have a definite two and hopefully a third lined up for the afternoon.

THE COURT: Okay. The more you can fill up, the better. Just let counsel know who you're thinking about.

MS. HOFFMAN: They know.

THE COURT: And thank you very much. Okay.

MS. WHALEN: Thank you.)

(Bench conference concluded.)

THE COURT: All right. Ladies and gentlemen, we're

1 going to take the lunch recess, and there will be some more
2 witnesses after that.

3 So we'll excuse the jury until 2 o'clock.

4 Thank you very much.

5 (Jury left the courtroom at 12:53 p.m.)

6 **THE COURT:** All right. We'll excuse the gallery.

7 And we'll take the lunch recess until 2 o'clock.

8 (Luncheon recess taken.)

9 **THE COURT:** Okay. I apologize. I was at the bench
10 meeting today, and it ran longer than I was expecting it to.
11 And unfortunately, Judge Russell was not at the bench meeting.
12 I will try to communicate with him later, so I still don't have
13 an answer about Thursday.

14 Are we ready for the jury?

15 **MS. HOFFMAN:** Yes.

16 **THE COURT:** Okay.

17 (Jury entered the courtroom at 2:21 p.m.)

18 **THE COURT:** All right. Does the Government have
19 another witness?

20 **MS. PERRY:** Yes, Your Honor. At this time the
21 Government calls Detective Dave Pietryak.

22 **THE CLERK:** Please raise your right hand.

23 DETECTIVE DAVID PIETRYAK, GOVERNMENT'S WITNESS, SWORN.

24 **THE CLERK:** Please be seated.

25 Please speak directly into the microphone.

~~PIETRYAK - DIRECT~~

State and spell your full name for the record, please.

THE WITNESS: My name is David Pietryak,
P-I-E-T-R-Y-A-K.

THE CLERK: D-A-V-I-D?

THE WITNESS: Yes, ma'am.

DIRECT EXAMINATION

BY MS. PERRY:

Q. Good afternoon.

A. Good afternoon.

Q. With which law enforcement agency do you work?

A. Baltimore Police Department.

Q. And how long have you been with the Baltimore Police
Department?

A. 13 years.

Q. And what is your current assignment with the Baltimore
Police Department?

A. I am a task force officer with the drug administration.

Q. How long have you been a task force officer with DEA?

A. Five months.

Q. And where were you before that?

A. I was a task force officer for the ATF.

Q. How long were you a task force officer with the ATF?

A. One year.

Q. And in your approximately 13 years in law enforcement, do
you have any training in making drug-related arrests?

~~PIETRYAK - DIRECT~~

1 A. Yes, ma'am, I do.

2 Q. Can you describe that training.

3 A. The standard 40 hours that we each get in the academy,
4 supplemented by yearly roll call training, which would equal up
5 to be almost a hundred hours.

6 Q. And approximately how many drug-related arrests or
7 investigations have you been involved in over the course of
8 your career?

9 A. Thousands.

10 Q. Now, I want to direct your attention to the summer of
11 2015. Were you involved in a multi-jurisdictional
12 investigation?

13 A. Yes, ma'am, I was.

14 Q. What was the nature of that investigation?

15 A. It was a narcotics investigation with Baltimore Police
16 Department, Baltimore County, and Homeland Security.

17 Q. And who were the primary targets of that investigation?

18 A. Adrian Spence and a Kenneth Dixon.

19 Q. I want to show you Government's Exhibit IND-81.

20 Do you recognize this person?

21 A. That's Adrian Jamal Spence.

22 Q. And did you learn if Mr. Spence went by any other names?

23 A. Yes, ma'am. He went by AJ.

24 Q. During the course of your investigation into Mr. Spence,
25 were you involved in a wiretap?

~~PIETRYAK - DIRECT~~

1 A. Yes, ma'am.

2 Q. Can you tell the members of the jury just generally the
3 nature of the wiretap investigation and who some of the targets
4 were.

5 A. The wiretap encompassed Spence and Dixon and individuals
6 that would come in and purchase narcotics from them.

7 Q. When, approximately, were those wiretaps conducted?

8 A. June through August of 2015.

9 Q. And were you a monitor on that wiretap investigation?

10 A. I was one of the affiants and monitors, yes, ma'am.

11 Q. What does it mean to be a monitor?

12 A. You listen to the calls.

13 Q. In addition to -- in addition to monitoring calls over the
14 tapped lines, did you use any other investigative techniques to
15 assist with that investigation?

16 A. Yes, ma'am. Prior to we did undercover and CI buys. And
17 then during we did surveillances and search warrants.

18 Q. And when you say "CI buys," what do you mean by that?

19 A. Utilizing informants to purchase narcotics.

20 Q. Now, before I turn to the surveillance and the
21 search warrants, I want to discuss some specific wire calls.

22 You mentioned that the -- did you tell us whose phones
23 were being wiretapped over the course of the investigation?

24 A. Spence and Dixon.

25 Q. And did you have any personal contact with Mr. Spence over

~~PIETRYAK - DIRECT~~

1 the course of your investigation?

2 A. At the time of his arrest.

3 Q. And what about an individual named Kameron Wilson; did you
4 become familiar with an individual by the name of
5 Kameron Wilson?

6 A. At the time of his arrest also, yes, ma'am.

7 Q. First, I'm going to show you Government's Exhibit IND-96.
8 Do you recognize this person?

9 A. That's Kameron Wilson.

10 Q. And I believe you said that you had some personal contact
11 with Mr. Wilson.

12 A. When he was arrested, yes, ma'am.

13 Q. And did you come to recognize Mr. Spence and Mr. Wilson's
14 voices?

15 A. Yes, ma'am.

16 Q. Have you had the opportunity to review some of the calls
17 captured in June and July of 2015 before coming to court today?

18 A. I have.

19 Q. And were you able to identify who was speaking on some of
20 those calls?

21 A. Yes, ma'am.

22 Q. So I first want to start by playing what has come into
23 evidence as Government's Exhibit Wire D. This is called D-20,
24 and the call is on Page 324 of the transcript binder.

25 Now, looking, first, over here at the right side of the

~~PIETRYAK - DIRECT~~

1 screen, can you tell us the date and start time of this
2 particular call.

3 A. That would be June 12th, 2015, at 2:08 p.m.

4 Q. And can you tell me the participants in this particular
5 call.

6 A. Spence and Kameron Wilson.

7 Q. I'm going to play this call.

8 (Audio was played but not reported.)

9 BY MS. PERRY:

10 Q. Did you recognize the participants in that call?

11 A. Yes, ma'am.

12 Q. Who did you recognize them to be?

13 A. Adrian Spence and Kameron Wilson.

14 Q. And did you hear when Mr. Spence said, "Just bring a
15 50-piece"?

16 A. I did.

17 Q. Now, you mentioned that over the course of your
18 investigation, you did some undercover buys and CI buys.

19 A. Yes, ma'am.

20 Q. Were -- when you would do undercover buys and CI buys,
21 what were you purchasing during those buys?

22 A. Gram quantities.

23 Q. Did you always purchase in gram quantities?

24 A. Yes, ma'am.

25 Q. And so based on your training and experience and your

~~PIETRYAK - DIRECT~~

1 experience in this particular investigation, do you have --
2 what is a piece? What does "50-piece" mean?

3 **A.** It would be equivalent to 1 gram.

4 **Q.** And during the course of your investigation, what kinds of
5 drugs were you purchasing during those CI buy and
6 controlled buys?

7 **A.** Heroin.

8 **Q.** And so is it your understanding -- what is your
9 understanding of what a piece would be, a gram of what?

10 **A.** Equivalent to 1 gram of heroin.

11 **Q.** So I now want to play you Government's -- this is
12 Call D-140, also from Wire D. It's on Page 325 of the
13 transcript binder.

14 And, again, directing your attention to the right side of
15 the screen, can you tell us the date and time of this call.

16 **A.** It is June 16th at 6:40 p.m.

17 **Q.** And who were the participants in the call?

18 **A.** Spence and Wilson.

19 (Audio was played but not reported.)

20 **BY MS. PERRY:**

21 **Q.** I'm now going to play Call D-146, which is on Page 326 of
22 the transcript binder.

23 And, again, starting over on the right, can you tell us
24 the date and time of this call.

25 **A.** It's also June 16th, and it's at 7:02 p.m.

~~PIETRYAK - DIRECT~~

1 Q. And when is this call in relation to the one we just
2 listened to?

3 A. Subsequently, afterwards.

4 Q. On the same day?

5 A. Yes, ma'am.

6 Q. So playing this call.

7 (Audio was played but not reported.)

8 BY MS. PERRY:

9 Q. And, finally, playing you what's also on Wire D, this is
10 D-153 on Page 327 of the transcript binder.

11 And, again, starting on the right side, can you tell us
12 the date and time of this call.

13 A. That is also June 16th at 7:16 p.m.

14 Q. And who were the participants?

15 A. Spence and Wilson.

16 (Audio was played but not reported.)

17 BY MS. PERRY:

18 Q. And did you hear where Spence said, "Just bring me a
19 20-piece, yo"?

20 A. Yes, ma'am.

21 Q. Now, after hearing these calls, did you ask teams to
22 surveil a particular location on that day?

23 A. I did.

24 Q. And, again, that was on June 16th of 2015?

25 A. Correct.

~~PIETRYAK - DIRECT~~

1 Q. What location?

2 A. We identified a location of 532 Coventry.

3 Q. And were teams sent out to actually conduct surveillance
4 in that area?

5 A. Yes, ma'am.

6 Q. And were photos taken during the surveillance?

7 A. They were.

8 Q. So I'm going to show you Government's Exhibit SW-1-A.
9 Can you tell us what we're looking at here.

10 A. That's Adrian Spence.

11 Q. And do you recognize anything about the location?

12 A. He's walking away from 532 Coventry.

13 Q. Showing you SW-2-B. Sorry.

14 This is SW-2 -- SW-1-B.

15 What are we looking at here?

16 A. That's Spence again approaching his vehicle.

17 Q. And you said "his vehicle." How do you know that to be
18 his vehicle?

19 A. We had a GPS on it. We had done surveillance on it
20 multiple times. We knew his vehicle.

21 Q. Showing you SW-1-C.

22 Who are we looking at here?

23 A. Adrian Spence.

24 Q. SW-1-D.

25 Who are we looking at here?

~~PIETRYAK - DIRECT~~

1 A. That's Kameron Wilson meeting Spence.

2 Q. So is this photograph taken after the one that we just
3 saw?

4 A. Correct.

5 Q. And SW-1-E.

6 A. That's Wilson at Spence's vehicle speaking to him through
7 the window.

8 Q. SW-1-F.

9 A. And then it's Spence leaving the area.

10 Q. And, again, this was the area near Coventry Lane?

11 A. Yes, ma'am.

12 Q. And how did you identify that particular location?

13 A. Based off of the GPS that had been on Spence's vehicle.

14 Q. Now, after this day, did you continue to review calls made
15 over the wiretap lines?

16 A. We did.

17 Q. So now I'm going to play what's on Wire D. This is D-179
18 on Page 328 of the transcript binder.

19 Can you tell us the date and time of this particular call.

20 A. That is June 17th at 3:02 p.m.

21 Q. And who were the participants in this call?

22 A. Spence and Wilson.

23 (Audio was played but not reported.)

24 BY MS. PERRY:

25 Q. And now turning to Call D-367, which is on Page 334.

~~PIETRYAK - DIRECT~~

1 What's the date and time of this particular call?

2 **A.** That's June 25th at 12:49.

3 **Q.** And who were the participants?

4 **A.** Spence and Wilson.

5 (Audio was played but not reported.)

6 **BY MS. PERRY:**

7 **Q.** Now, Detective, over the course of your investigation, did
8 you also capture calls between Spence and other individuals who
9 were relevant to your investigation?

10 **A.** Yes, ma'am.

11 **Q.** So I want to play a call from -- this is from
12 Government's Exhibit Wire B. This is B-2478. It's on Page 311
13 of the transcript binder.

14 And what is the date and time of this call?

15 **A.** That would be July 6th at 8:00 p.m.

16 **Q.** And who were the participants in the call?

17 **A.** An Ayre Graham and Spence.

18 **Q.** I'm going to play this call, but I'm going to start it at
19 about 3 minutes and 47 seconds into the call.

20 **THE COURT:** I'm sorry. What page?

21 **MS. PERRY:** It is on Page 311 of the transcript -- 310
22 of the transcript binder.

23 **THE COURT:** 310. Okay.

24 (Audio was played but not reported.)

25 **BY MS. PERRY:**

~~PIETRYAK - DIRECT~~

1 Q. I'm going to stop it there.

2 Did you hear when Spence said, "Asking about serving up my
3 sales"?

4 A. Yes, ma'am.

5 Q. What's a "sale," based on your training and experience?

6 A. A transaction for currency and narcotics.

7 Q. I'm now going to play, again, from Wire B. This is
8 Call B-3427. It's on Page 314 of the transcript binder.

9 And what is the date and time of this particular call?

10 A. July 17th, and it's going to be at 9:34 p.m.

11 Q. I'm going to play this call.

12 (Audio was played but not reported.)

13 **BY MS. PERRY:**

14 Q. Did you hear where Spence said, "I'm going to be like six
15 hours mixing the whole brick tomorrow"?

16 A. Yes, ma'am.

17 Q. And based on your training and experience and your
18 experience in this investigation, do you know what the term --
19 have you become familiar with the term "brick"?

20 A. Yes, ma'am.

21 Q. What is a brick?

22 A. It would be 1 kilogram.

23 Q. Turning now to what is in evidence as
24 Government's Exhibit Wire G, this is Call G-8, which is on
25 Page 367 of the transcript binder.

~~PIETRYAK - DIRECT~~

1 What is the date and time of this call?

2 A. July 18th at 1:54 p.m.

3 Q. And who were the participants in this call?

4 A. Spence and Wilson.

5 (Audio was played but not reported.)

6 BY MS. PERRY:

7 Q. Detective, did the wiretap investigation over Line G also
8 capture text messages?

9 A. It did.

10 Q. So I want to show you Government's Exhibit -- this is
11 G-37.

12 What are we looking at here?

13 A. That's a text message from Spence to Wilson.

14 Q. And what is the text of the message?

15 A. It reads [reading]: Lock up 200 for the a.m.

16 Q. And what was the date of this particular message?

17 A. That is July 18th at 9:33 p.m.

18 Q. Now, I want to direct your attention to approximately two
19 days later, on July 20th of 2015.

20 Were you working on that particular day?

21 A. Yes, ma'am.

22 Q. And did you assist in the execution of a search warrant on
23 that day?

24 A. I did.

25 Q. What location was that search warrant executed at?

~~PIETRYAK - DIRECT~~

1 **A.** 532 Coventry, the residence of Kameron Wilson.

2 **Q.** And is that the location that we discussed earlier when we
3 were talking about surveillance?

4 **A.** Correct.

5 **Q.** And what did you believe this location to be?

6 **A.** The stash house used by Adrian Spence.

7 **Q.** And what is a stash house?

8 **A.** A secretive location used to hide illegal items from
9 police.

10 **Q.** What time -- did there come a time that you went to
11 Coventry Lane on the morning of July 20th of 2015?

12 **A.** Yes, ma'am; at approximately 5:00 a.m.

13 **Q.** And did you ultimately enter that location?

14 **A.** I did.

15 **Q.** When you entered, who was inside the residence?

16 **A.** Wilson and his mother.

17 **Q.** And did you have a specific role in the execution of the
18 warrant?

19 **A.** I was the scribe and also the affiant of the warrant.

20 **Q.** And so did you assist with looking around the location on
21 that particular day?

22 **A.** Yes, ma'am.

23 **Q.** Was anything recovered from the home?

24 **A.** There was narcotics, narcotics paraphernalia, and
25 packaging.

~~PIETRYAK - DIRECT~~

1 Q. Can you describe the narcotics that were recovered and
2 where they were recovered from.

3 A. Approximately 600 grams of heroin that was recovered from
4 inside of a futon in Wilson's bedroom.

5 Q. Were photos taken of the location and the items recovered?

6 A. There were.

7 Q. So I want to show you Government's Exhibit SW-1-G.

8 What are we looking at here?

9 A. That's the exterior of 532 Coventry.

10 Q. And looking at Government's Exhibit SW-1-G, where were the
11 photographs that we saw earlier?

12 A. They'd be -- if you're facing the building like this
13 photograph is showing, it's down to the right.

14 Q. Turning now to SW-1-H, what are we looking at here?

15 A. That's the door of Apartment 4.

16 Q. And is that the apartment that was searched on that day?

17 A. Correct.

18 Q. So now turning to SW-2-A, what are we looking at here?

19 A. It's a black book bag that contained U.S. currency.

20 Q. And do you recall approximately how much currency was
21 recovered?

22 A. I believe it was around \$400.

23 Q. Turning to SW-2-B, what are we looking at here?

24 A. A small amount of heroin that was recovered from inside
25 the book bag.

1 Q. SW-2-C.

2 What are we looking at here?

3 A. That is packaging material and cutting agent.

4 Q. When you say -- you said that this is cutting agent. What
5 specifically are you referring to?

6 A. The inositol powder.

7 Q. And based on your experience and your investigation in
8 this case, what do you believe that powder to be used for?

9 A. It was used to mix with heroin to make a smaller amount of
10 heroin into a larger amount.

11 Q. Turning to SW-2-D.

12 Now, what are we looking at here?

13 A. That is a hydraulic jack, known as a kilo press.

14 Q. And based on your training and experience, can you explain
15 what this device does.

16 A. You take heroin and you take a cutting agent and you mix
17 them together. You put them in the press and press them, for
18 lack of better terms, to make it appear to be off of a uncut
19 kilo of heroin.

20 Q. Turning to SW-2-E, what are we looking at here?

21 A. A small amount of marijuana -- or, excuse me, heroin
22 recovered from the floor.

23 Q. SW-2-F.

24 Now, what are we looking at here?

25 A. That is packaging material.

~~PIETRYAK - DIRECT~~

1 Q. SW-2-G, what are we looking at here?

2 A. More packaging material.

3 Q. And, finally, SW-2-I.

4 What are we looking at here?

5 A. That is the larger quantity, the approximately 600 grams
6 of mari -- marijuana -- excuse me, heroin.

7 Q. And, again, where was this recovered from?

8 A. Inside of a futon in Wilson's bed.

9 Q. And is that sort of what we're seeing in this particular
10 photograph?

11 A. Yes, ma'am. It was inside the padding.

12 Q. Now, you mentioned that these items were recovered. I do
13 want to show you at this point Government's Exhibit D-8. And
14 I'm going to ask the agent to help me carry it up to you.

15 Do you recognize Government's Exhibit D-8?

16 A. It is the evidence recovered from Coventry, later
17 submitted to the Baltimore evidence control unit.

18 Q. And if you could just pull out the items in
19 Government's Exhibit D-8 and let us know what the items are.

20 A. That's the approximately 600 grams of heroin (indicating).

21 The cutting agent (indicating).

22 Digital scale (indicating).

23 A hydraulic press (indicating).

24 Packaging material (indicating).

25 And smaller amounts of mari -- of heroin.

~~PIETRYAK - DIRECT~~

1 Q. And the drugs that you described or the narcotics you
2 described, were those ultimately submitted to the
3 Baltimore Police laboratory for testing?

4 A. Yes.

5 Q. And based on your training and experience, what can you
6 tell us about the quantity of drugs -- what, if anything, can
7 you tell us about the quantity of drugs that were recovered?

8 A. The 600 grams could have been broken down to at least
9 6,000 units and then sold for a profit of in the area of
10 \$60,000.

11 Q. Now, were any calls made or intercepted over the wiretap
12 lines after the execution of this search warrant?

13 A. Yes, ma'am.

14 Q. And did you review some of those calls before coming to
15 court today?

16 A. I did.

17 Q. So I want to play for you Government's Exhibit -- from
18 Wire G, this is Call G-74, and I believe it's on Page 371 of
19 the transcript binder.

20 Starting over here on the right, can you tell us the date
21 of this call.

22 A. That's July 20th, 2015, at 1:12 in the afternoon.

23 Q. And remind us, what day was the search warrant executed?

24 A. It was the 19th.

25 Q. Was it on the -- was this call actually from the same day?

~~PIETRYAK - DIRECT~~

1 **A.** I believe so, yes.

2 **Q.** Okay. And who are the participants in this particular
3 call?

4 **A.** Spence and an unknown male.

5 (Audio was played but not reported.)

6 **BY MS. PERRY:**

7 **Q.** Turning now again on Wire G, this is G-134 on Page 376 of
8 the transcript binder.

9 Can you tell us the date and time of this call.

10 **A.** That's July 21st at 1:51 in the afternoon.

11 **Q.** And who were the participants in this call?

12 **A.** Spence and Wilson.

13 **Q.** I'm going to play this call, but I'm going to start about
14 a minute and 15 seconds into the call.

15 (Audio was played but not reported.)

16 **BY MS. PERRY:**

17 **Q.** Did you hear where Mr. Wilson said -- where Spence said,
18 "What was left?" and Mr. Wilson responded, "Six"?

19 **A.** I did.

20 **Q.** And could you remind us, what was the quantity of heroin
21 recovered from the location?

22 **A.** Just over 600 grams.

23 **Q.** Now, I want to jump ahead about ten days to July 31st of
24 2015.

25 Were you working on that particular date?

~~PIETRYAK - DIRECT~~

1 **A.** I was.

2 **Q.** And did you assist in the execution of a search warrant on
3 that particular day?

4 **A.** I did.

5 **Q.** What was the location of that warrant?

6 **A.** 338 Marydell.

7 **Q.** And who was the target of that particular warrant?

8 **A.** Adrian Spence.

9 **Q.** What time did you arrive at that location on July 31st?

10 **A.** Again, approximately 5:00 a.m.

11 **Q.** And what happened when you arrived?

12 **A.** The Baltimore City SWAT team had made entry, and we
13 entered the dwelling.

14 **Q.** And when you entered the house, who, if anyone, was
15 inside?

16 **A.** Spence and his, I believe, grandmother.

17 **Q.** Was the home searched?

18 **A.** It was.

19 **Q.** And what, if anything, was recovered?

20 **A.** A firearm was recovered, a multitude of cell phones, and a
21 large amount of currency.

22 **Q.** Approximately how much currency was recovered?

23 **A.** Over twenty or twenty-five thousand dollars.

24 **Q.** Now, were photos taken of the house and the items
25 recovered?

~~PIETRYAK - DIRECT~~

1 **A.** They were.

2 **Q.** I'm going to start by showing you
3 Government's Exhibit SW-4-A.

4 Do you recognize what we're looking at here?

5 **A.** That's the front of the location, 338 Marydell.

6 **Q.** And turning to SW-4-B, what are we looking at here?

7 **A.** U.S. currency.

8 **Q.** And was all of the U.S. currency found in a single
9 location?

10 **A.** It was not. Some was found on Spence's person, some was
11 found on a table, and some was found in a shoebox.

12 **Q.** So turning to SW-4-C.

13 Now, what are we looking at here?

14 **A.** The shoebox full of money.

15 **Q.** SW-4-D.

16 What are we looking at here?

17 **A.** A cellular telephone.

18 **Q.** SW-4-E?

19 **A.** More cellular phones.

20 **Q.** SW-4-F?

21 **A.** More phones.

22 **Q.** SW-4-G?

23 **A.** Again, more phones.

24 **Q.** SW-4-H?

25 **A.** That's the firearm that was recovered.

~~PIETRYAK - DIRECT~~

1 Q. And where was the firearm recovered, if you recall?

2 A. Under Spence's grandmother's bed.

3 Q. SW-4 -- I think that is the last photo.

4 Now, I want to approach and show you what's been marked as
5 Government's Exhibit F-9.

6 (Hanging.)

7 Do you recognize this?

8 A. Yes, ma'am.

9 Q. What is it?

10 A. This is the firearm that was recovered from Spence's
11 house.

12 Q. And showing you Government's Exhibit F-9-A.

13 What are we looking at here?

14 A. That's the same firearm with the property tag from the
15 Baltimore Police evidence unit.

16 Q. Now, I want to show you what's been marked as
17 Government's Exhibit CELL-12.

18 (Hanging.)

19 Do you recognize CELL-12?

20 A. I do.

21 Q. What is CELL-12?

22 A. It's a cellular phone taken from the residence of Spence.

23 Q. And is that just one of the phones that was recovered?

24 A. One of very many.

25 Q. Now, I want to show you Government -- actually, what did

~~PIETRYAK - DIRECT~~

1 you do with CELL-12? Was it turned over to other agents? And
2 was a search warrant ultimately written for CELL-12?

3 A. Yes, ma'am.

4 Q. Now, I want to show you what's come into evidence as
5 Government's Exhibit CELL-12-A, an excerpt from the phone.

6 Now, did you have any -- did you help create this
7 particular exhibit?

8 A. I did not.

9 Q. And is this just an excerpt or is it your understanding
10 that this is just an excerpt of what was contained on CELL-12?

11 A. That's my understanding, yes.

12 Q. And did you have any role in deciding which portions of
13 this to excerpt?

14 A. No, ma'am.

15 Q. So I want to look at CELL-12-A. And starting at the top,
16 can you tell us the phone number for this particular phone.

17 A. It's (410) 746-1240.

18 Q. And looking here at the very top, can you just read us
19 this first portion that's highlighted (indicating).

20 A. [Reading]: AJ, it's Bryan.

21 Q. And is this a message that was sent to the phone?

22 A. Yes.

23 Q. And can you remind us, what were the nicknames you knew
24 for Mr. Spence?

25 A. AJ.

~~PIETRYAK - DIRECT~~

1 Q. And turning to the next one, can you just read the very
2 beginning of this message to the phone.

3 A. [Reading]: Please, AJ, you're the only guy.

4 Q. And then down here, can you read those messages for us.

5 A. It says -- the first one says [reading]: Spence you got
6 \$15?

7 And then the second one says [reading]: No. I'm at the
8 shop gettin' my hair done.

9 Q. And is the first message a message sent to the phone and
10 the second message a message that was sent from the phone?

11 A. Correct.

12 Q. I want to go through a few of these, starting here at the
13 bottom.

14 Can you tell us the date of these messages.

15 A. 12/20 and 12/21 of 2010.

16 Q. And can you read the messages for us.

17 A. The first one reads [reading]: Hey, are you good? And
18 how is the quality? Be honest 'cause the last shit was
19 garbage.

20 And the second one reads [reading]: Got the good stuff,
21 and I got a tester.

22 Q. And can you read these three messages down below.

23 A. The first one reads [reading]: Dun, dun, you got any soft
24 or hard?

25 [Reading]: Yeah, I got the hard.

~~PIETRYAK - DIRECT~~

1 [Reading]: Seven for three?

2 Q. And turning to the next page, can you read these messages
3 here at the top.

4 A. The first one says [reading]: Yeah.

5 And the second one is [reading]: K. If you still got
6 that tan, I need a few -- a few of them, too.

7 And then the last one reads [reading]: The tan on hold,
8 dun.

9 Q. I want to skip down a little bit and highlight this
10 portion here (indicating).

11 Do you see a message from the phone here up at the top?

12 A. I do.

13 Q. And what was the message from the phone?

14 A. It says [reading]: Yo, I want my money or my dope or I'm
15 gonna kill you today.

16 Q. And was there a response?

17 A. There is.

18 Q. And what does the response say?

19 A. It reads [reading]: I'm sorry, dude. I'm sick. I'll get
20 your money. That's the last thing I wanted to do to you.
21 Please believe me.

22 Q. And is there a response to that?

23 A. There is.

24 Q. What's that say?

25 A. It reads [reading]: I don't give a fuck how sick you

~~PIETRYAK - DIRECT~~

1 were. I want my fucking money. I'm not going to wait either
2 or people going to die.

3 Q. Is there a response?

4 A. [Reading]: Dude, I'm sorry.

5 Q. And then does the phone send a response to that?

6 A. It does. [Reading]: Yo, bring me my money and stop
7 texting my phone.

8 Q. And is there a response to that?

9 A. Response back is [reading]: I'll bring it down as soon as
10 I get it. I'm sorry, buddy.

11 Q. And then is there an outgoing message from the phone?

12 A. There is [reading]: You're going to be more than sorry.

13 Q. And is there a response to that?

14 A. [Reading]: Okay. I'll bring it as soon as I get it.

15 Q. And then is there a message from the phone to a different
16 number?

17 A. There is.

18 Q. And what's that message say?

19 A. [Reading]: Yo, I'll give you some money or some girl. I
20 just need his address and his parents' address. I'm going to
21 make an example out of this motherfucker.

22 Q. Now, Detective, based on your training and experience in
23 this investigation and other investigations, do you know what
24 the term "girl" means?

25 A. "Girl" would be cocaine.

~~PIETRYAK - DIRECT~~

1 Q. So turning now to the next page, do you see some text
2 messages here in the center of the page?

3 A. I do.

4 Q. Can you read those for us.

5 A. [Reading]: Do you have half a G?

6 The second one reads [reading]: Did you good.

7 Third one would be [reading]: I need a ball.

8 The fourth one is [reading]: Okay.

9 The fifth one would be [reading]: You got half a G.

10 And the final one is [reading]: Yup.

11 Q. And then down here at the bottom, is there a message to
12 the phone?

13 A. [Reading]: If I get three, could you do any deals?

14 Q. Is there another message to the phone?

15 A. There is. [Reading]: Like, could you do three for 340?

16 That's all I have. Otherwise, I'm not sure what we're gettin'.

17 And then [reading]: Yeah, man.

18 Q. And is "yeah, man" a response?

19 A. Yes.

20 Q. Just a few more.

21 Turning over to Page 4.

22 Do you see three messages in a row to the phone?

23 A. I do.

24 Q. Can you read those messages for us.

25 A. [Reading]: Yo, man, I don't want to be a bitch or

~~PIETRYAK - DIRECT~~

1 anything, but those bags you gave me were mad short, like only
2 4s and that's pushin' it. Like, my dude really liked that
3 shit, but he really puts on me 'cause he didn't weigh -- like,
4 I don't what you can do but was at least short altogether. I
5 don't know. But this dude is really mad at you. I'm kinda
6 scared -- excuse me, mad at me. I'm kinda scared [sic].

7 Q. And is there a response from the phone?

8 A. The response is [reading]: I made them all .4 so I could
9 make my money. And nobody wasn't trying to pay 130 a gram, so
10 I bagged up all .4 so I could make out.

11 Q. Turning to Page 5, is there a message to the phone up here
12 at the top.

13 A. [Reading]: Hey, man, I'm sorry I couldn't make it down
14 there yesterday. Anne overdosed and died yesterday. Give me a
15 call.

16 Q. And then here in the middle of the page, are there two
17 messages from the phone?

18 A. There is. [Reading]: Yo, just come tomorrow. It's cops
19 everywhere up here. Bitch, if I don't get my money, I'm gonna
20 kill you.

21 Q. Turning to the next page, can you read this exchange up
22 here at the top for us (indicating).

23 A. [Reading]: The bags were fire, but the chunk wasn't very
24 good. Just want you to know. I'm an honest man.

25 Q. Is there a response from the phone?

~~PIETRYAK - DIRECT~~

1 A. There is. [Reading]: All right. That's cool. The chunk
2 shit is gone anyway.

3 Q. And is there a response?

4 A. And the response back is [reading]: Are you gonna have
5 the light-tan stuff in the bags tomorrow? If so, I'll need at
6 least another G and a half or two if everything goes well.

7 And the response back is [reading]: Yeah, man.

8 Q. Now, I want to turn down here to the very bottom. Is
9 there a message to the phone down here?

10 A. There is. There's an incoming message that reads
11 [reading]: Hey, I got that 380 and 50 shells. I want three
12 and a half grams, if that's cool.

13 Q. Is there a response?

14 A. The response is [reading]: Yeah.

15 Q. And then turning to the next page, is there an outgoing
16 message from the phone?

17 A. [Reading]: Yo, you got the shells or the actual thing?

18 Q. And is there a response?

19 A. [Reading]: I got both the thing and the ammo. It's black
20 with wood handgrips, seven-shot clip, semi-auto, and enough
21 ammo to fill the clip seven times.

22 Q. And is there a response from the phone?

23 A. It reads [reading]: Okay.

24 Q. Now, I want to ask you about one final wire call. Before
25 coming to court, did you review a call from July 1st of 2015?

~~PIETRYAK - DIRECT~~

A. Yes, ma'am.

Q. So I want to play you what is on Wire B. This is B-1867, and I believe it's on Page 292 of the transcript binder.

And what is the date and time of this call?

A. That's July 1st, 2015, at 5:48 p.m.

Q. And do you know at least one of the participants in this call?

A. Adrian Spence.

(Audio was played but not reported.)

BY MS. PERRY:

Q. And did you hear when Mr. Spence said, "All right. I got a gun on"?

A. I did.

MS. PERRY: I have no further questions for the witness.

THE COURT: All right. Thank you.

I'll see if there are any questions.

MS. WHALEN: No questions.

MR. HAZLEHURST: Nothing on behalf of Mr. Davis, Your Honor.

THE COURT: All right. Thank you, sir.

THE WITNESS: Thank you, Your Honor.

THE COURT: You are excused.

THE WITNESS: Thank you very much.

(Witness excused.)

~~ERBE - DIRECT~~

THE COURT: Government, have another witness?

MS. PERRY: Yes, Your Honor. At this time the Government calls Special Agent Lindsay Erbe.

THE CLERK: Please raise your right hand.

SPECIAL AGENT LINDSAY ERBE, GOVERNMENT'S WITNESS, SWORN.

THE CLERK: Please be seated.

Please speak directly into the microphone.

State and spell your full name for the record, please.

THE WITNESS: Lindsay Erbe, L-I-N-D-S-A-Y, E-R-B-E.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. PERRY:

Q. Good afternoon.

A. Good afternoon.

Q. With which law enforcement agency do you work?

A. I work for the Bureau of Alcohol, Tobacco & Firearms.

Q. What is your title there?

A. I'm a Special Agent.

Q. How long have you been a Special Agent with the ATF?

A. Since July of 2014.

Q. And what did you do before joining the ATF?

A. For approximately 11 years, I was a police officer with the United States Capitol Police in Washington, D.C.

Q. Now, I want to direct your attention to September 27th of 2016.

~~ERBE - DIRECT~~

1 Did you assist with the execution of a search warrant on
2 that particular day?

3 A. Yes, I did.

4 Q. What was the location?

5 A. 1868 Oxford Square Road, Bel Air, Maryland.

6 Q. And about what time was the warrant executed on that day?

7 A. Around 6:00 a.m.

8 Q. What was your role on that -- during the execution of the
9 warrant?

10 A. I was part of the entry team, and then I was the
11 photographer for the search portion.

12 Q. And what does it mean to be the photographer for the
13 search portion?

14 A. We take pre photos of the location, photographs of any
15 evidence found in the location, and then photographs post,
16 after the search has been completed.

17 Q. You said that you were on the entry team. And when you
18 first entered the location, who, if anyone, did you find
19 inside?

20 A. There were multiple people there, Jamal Lockley and family
21 and relatives of his.

22 Q. Now, I'm going to show you Government's Exhibit IND-60.
23 Do you recognize this person?

24 A. Yes, ma'am. That's Jamal Lockley.

25 Q. And upon entry, was Mr. Lockley placed under arrest?

~~ERBE - DIRECT~~

1 **A.** Yes, ma'am.

2 **Q.** And was the residence searched?

3 **A.** Yes, ma'am.

4 **Q.** What, if anything, was recovered?

5 **A.** U.S. currency, documents in Mr. Lockley's name, multiple
6 cell phones.

7 **Q.** You said there was U.S. currency recovered. Do you recall
8 how much U.S. currency?

9 **A.** \$1,532.

10 **Q.** And I believe you said that you were the photographer, so
11 were photos taken of the items that were recovered and of the
12 location?

13 **A.** Yes, ma'am.

14 **Q.** So I want to start by showing you
15 Government's Exhibit SW-8-A. Just a moment.

16 I'm going to show you Government's Exhibit SW-9-A.

17 Do you recognize -- I know this is kind of sideways.

18 Do you recognize this location?

19 **A.** Yes, ma'am. That's the location that we went to,
20 1868 Oxford Square.

21 **Q.** Turning to SW-9-B.

22 What are we looking at here?

23 **A.** That's a pair of pants. They were found in the dining
24 room with U.S. currency in one pocket and a ID card in the
25 other pocket.

~~ERBE - DIRECT~~

1 Q. And turning to SW-9-C.

2 What are we looking at here?

3 A. That's a picture of the ID card that's in the other pocket
4 of the pants.

5 Q. And whose identification was it?

6 A. It was Mr. Lockley's.

7 Q. Turning to SW-9-D.

8 What are we looking at here?

9 A. That is the ID card and the money taken out of the pants
10 pockets.

11 Q. Turning to SW-9-E.

12 What are we looking at here?

13 A. That's a cellular phone that was found in the master
14 bedroom in the dresser.

15 Q. Now, in addition to this cellular phone that we're looking
16 at in SW-9-E, were there other phones recovered at the
17 location?

18 A. Yes, ma'am.

19 Q. At this point I want to show you
20 Government's Exhibit CELL-11.

21 (Handing.)

22 Do you recognize Government's Exhibit CELL-11?

23 A. Yes, ma'am. This is the cell phone that was found in the
24 bedroom, master bedroom dresser.

25 Q. And was this cell phone provided to other ATF agents so

~~ERBE - DIRECT~~

1 that a search warrant and a search of the phone could be
2 conducted?

3 **A.** Yes, ma'am.

4 **Q.** I'm going to show you Government's Exhibit CELL-11-A which
5 has come into evidence as an excerpt from this particular
6 phone.

7 Have you seen CELL-11 -- hold on a moment.

8 Have you had an opportunity to look at CELL-11-A before
9 coming to court today?

10 **A.** Yes, ma'am.

11 **Q.** And is it your understanding that's an excerpt of the
12 records contained on the phone in front of you?

13 **A.** Yes, ma'am.

14 **Q.** And did you have anything to do with putting together this
15 particular excerpt?

16 **A.** No, I did not.

17 **Q.** And did you have any role in choosing which excerpts would
18 be in here?

19 **A.** No, I did not.

20 **Q.** So I want to start at the top.

21 Can you tell us the phone number for this particular phone
22 (indicating).

23 **A.** (443) 709-7780.

24 **Q.** And do you see this very first contact listed
25 (indicating)?

~~ERBE~~ - ~~DIRECT~~

1 **A.** Yes, ma'am.

2 **Q.** What is the name?

3 **A.** Cream.

4 **Q.** And what is the phone number?

5 **A.** (240) 713-0332.

6 **Q.** And do you see this contact here (indicating)?

7 **A.** Yes, ma'am.

8 **Q.** Can you tell us the name.

9 **A.** Jb.

10 **Q.** And the phone number?

11 **A.** (443) 640-8950.

12 **Q.** Now, looking here at the first message -- actually, let me
13 move down to the second message here.

14 Do you see a message sent to the phone?

15 **A.** The -- yes. The first one?

16 **Q.** The first one, yes.

17 **A.** Yes, ma'am.

18 **Q.** And what was the message sent to the phone? What did that
19 read?

20 **A.** [Reading]: Who this.

21 **Q.** And was there a response from the phone?

22 **A.** Yes, ma'am.

23 **Q.** What was the response?

24 **A.** [Reading]: T-Roy, I got that bomb back.

25 **Q.** And looking down here, is there a message to the phone

~~ERBE - DIRECT~~

1 that says [reading]: Is this T-Roy?

2 A. Yes, ma'am.

3 Q. And what is the response?

4 A. [Reading]: Who's this?

5 Q. And then is there a message that says [reading]: This is
6 T-Roy; right?

7 A. Yes.

8 Q. And is there a response?

9 A. It says [reading]: You sound different.

10 Q. I'm going to turn to the next page, Page 2.

11 Is there a message from the phone that says [reading]: My
12 number T-Roy?

13 A. Yes, ma'am.

14 Q. And then do we see a message here sent to the phone that
15 says [reading]: Droid.

16 And a response that says [reading]: Yo yo?

17 A. Yes, ma'am.

18 Q. And, finally, looking down here, what's this first message
19 to the phone?

20 A. [Reading]: Who this?

21 Q. And is there a response?

22 A. [Reading]: T-Roy.

23 Q. And is there a response to that?

24 A. [Reading]: T-Roy?

25 With a question mark.

~~ERBE - DIRECT~~

1 Q. And then are there two responses from the phone?

2 A. Yes, ma'am.

3 Q. And what do they say?

4 A. [Reading]: Forest Park BP.

5 Q. I'm going to flip down a couple of pages to Page 4, and
6 look here at the -- this section I've highlighted.

7 Can you tell us the date of these particular messages.

8 A. March 16th, 2016.

9 Q. And what do the messages say?

10 A. The first one says [reading]: Yo, I came through like
11 around 5:30 today.

12 And the second one says [reading]: It was post to be a
13 whole pizza. But when I put it on the clock, it was only 52.

14 Q. I'll turn down a couple more pages. And looking at these
15 messages I have highlighted, first, can you tell us the date
16 that these messages are from.

17 A. March 22nd, 2016.

18 Q. And can you read them -- first message to the phone.

19 A. [Reading]: Dude, will I be seeing the new boys?

20 Q. And the response says, "No."

21 And then is there a response to the phone?

22 A. Yes. There are two responses.

23 The first is [reading]: Good.

24 The second is [reading]: They are some wild ones. They
25 saw me a block away and were hooting and hollering, showing off

~~ERBE - DIRECT~~

1 to the girls hanging around. Not cool. You know what I mean?

2 Q. And is there a response from the phone?

3 A. Yes. [Reading]: Where at?

4 Q. And then there's a response to the phone?

5 A. Yes. [Reading]: Same place I am right now. First park L
6 on right, C street.

7 Q. I'm going to turn ahead a few pages.

8 And look down here at the bottom.

9 Can you tell us the date of these particular messages.

10 A. April 7th, 2016.

11 Q. And is there a message to the phone?

12 A. Yes, ma'am. It says [reading]: I need 6 and 50, and I
13 have 200 extra for you.

14 Q. And is there a response from the phone?

15 A. Yes. And it's [reading]: K.

16 Q. Turning to Page 10.

17 What date are we looking at here?

18 A. April 8th, 2016.

19 Q. And is there a message to the phone?

20 A. Yes. It says [reading]: Yo, I need 2 whole ones and a 50
21 of girl.

22 Q. And is there a response?

23 A. Yes. [Reading]: K.

24 Q. Looking just below that, what date are we looking at here?

25 A. April 9th, 2016.

~~ERBE - DIRECT~~

- 1 Q. And is there a message to the phone?
- 2 A. [Reading]: You got that fire back yet?
- 3 Q. Is there a response?
- 4 A. [Reading]: Yeah.
- 5 Q. The response to that?
- 6 A. [Reading]: You sure. That brown stuff I got last time
7 was no good at all. I'm on my way. Be there in an hour.
- 8 Q. I'm sorry. Was there a response?
- 9 A. Yes. It was [reading]: K.
- 10 Q. Turning to the next page, and I want to focus down here.
11 What is the date of these messages?
- 12 A. April 13th, 2016.
- 13 Q. And the first message, is that a message to the phone?
14 And is it a picture message?
- 15 A. Yes, ma'am.
- 16 Q. Is there a response?
- 17 A. Yes. And it's [reading]: What's that?
- 18 Q. And is there a response to the phone?
- 19 A. Yes. [Reading]: Air rifle with a silencer and shit.
20 It's bad, man. I'm sick and will let it go real cheap, like
21 1g.
- 22 Q. And is there another message to the phone?
- 23 A. [Reading]: Would you take it, man?
24 Question mark.
- 25 Q. And is there a response?

~~ERBE - DIRECT~~

1 A. Yeah. [Reading]: What's a air?

2 Q. And continuing with that same -- turning down one page, is
3 there a continuation of the messages with the same number?

4 A. Yes, ma'am.

5 Q. And is there a message to the phone?

6 A. [Reading]: So what's up?

7 Q. And is there a response?

8 A. [Reading]: It's a BB gun.

9 Q. And are there three incoming messages?

10 A. Yes.

11 Q. What are those?

12 A. [Reading]:

13 Yes, but it -- it shot 45-cal slugs.

14 It's way far from just a BB gun.

15 It's a 45-cal.

16 Q. And looking at this next group of messages, are those
17 three messages to the phone?

18 A. Yes.

19 Q. And can you tell us what those messages say.

20 A. [Reading]: Almost there, my nigg. Need 2 whole ones.

21 Yo, my nigg, just got that a couple min ago. Supposed to be 2
22 whole ones, but I think it's only one and a half. You got me
23 on a half next time I come up with my nigg. It will be
24 tomorrow or the next, my nigg.

25 Q. And then is there ultimately a response to that same

~~ERBE~~ - ~~DIRECT~~

1 number on the next page?

2 A. Yes.

3 Q. And what's that response?

4 A. [Reading]: Got you, yo.

5 Q. Turning now to the middle of this particular page, can you
6 tell us the date of these messages.

7 A. April 14th, 2016.

8 Q. And is the first one a message to the phone?

9 A. Yes.

10 Q. And what's it say?

11 A. [Reading]: This dark stuff is not good. Don't even feel
12 it at all. Let me know when it's right again.

13 Q. Is there a response?

14 A. [Reading]: Who you get it from?

15 Q. And is there a response to that?

16 A. [Reading]: Same dude it usually is.

17 Q. Turning to Page 14 and looking up at the top, what is the
18 date of these messages?

19 A. April 18th, 2016.

20 Q. And is the first one an incoming message?

21 A. Yes.

22 Q. And what's it say?

23 A. [Reading]: Yo that light shit is terrible. My shooter
24 not fucking with it. I hope you don't have no more of that
25 shit, g.

~~ERBE - DIRECT~~

1 Q. And is there a response from the phone?

2 A. Yes. The response is [reading]: Naw, somebody else said
3 that I got Diff.

4 Q. Continuing on to the next page and looking down here at
5 the bottom, what date are we looking at now?

6 A. May 4th, 2016.

7 Q. And is the first message a message to the phone?

8 A. Yes.

9 Q. And what's it say?

10 A. [Reading]: Should it be the same as it was the other day?
11 Shit was fire.

12 Q. The response?

13 A. [Reading]: Bring it back tomorrow.

14 Q. Is there a response to that?

15 A. [Reading]: He was so fucked up the car was drifting down
16 the street.

17 Q. And looking up here in the middle of the page, can you
18 just tell us what that message is.

19 A. It's an e-mail address.

20 Q. And what's that address?

21 A. I'll just spell it. Is that --

22 Q. Sure.

23 A. Wolfmobb@iCloud.com.

24 Q. I'm going to turn to the next page and look up at the top.
25 Can you tell us what date we're looking at here.

~~ERBE - DIRECT~~

1 A. May 9th, 2016.

2 Q. And is the first message a message to the phone?

3 A. Yes.

4 Q. And what's that message?

5 A. [Reading]: Yo, y'all got anything else yet besides that
6 yellow, gooey shit I got this morning? 'Cause that shit was
7 junk.

8 Q. And what was the response?

9 A. [Reading]: Yeah. How -- how you do it?

10 Q. Is there a response to that?

11 A. [Reading]: I shot it. So y'all have -- so y'all do have
12 something different now, then? What's it look like? 'Cause I
13 really don't want that yellow shit again.

14 Q. And is there a response from the phone?

15 A. [Reading]: Give me one min.

16 Q. I'm going to jump ahead a couple of pages and direct your
17 attention to the top portion of the page. What date are we
18 looking at here?

19 A. May 19th, 2016.

20 Q. Is there a message to the phone?

21 A. Yes.

22 Q. And what's that message?

23 A. [Reading]: Yo, need 3 whole ones, my nigg, and I'm like
24 7 minutes away.

25 Q. Is there a response?

~~ERBE~~ - ~~DIRECT~~

1 **A.** [Reading]: All right.

2 **Q.** Turning to the next page and focusing your attention here
3 at the bottom, can you tell us what date we're looking at here.

4 **A.** May 23rd, 2016.

5 **Q.** And is the first message a message from the phone?

6 **A.** Yes.

7 **Q.** And what's that message?

8 **A.** [Reading]: You got the girl?

9 **Q.** And is there a response?

10 **A.** [Reading]: Yeah.

11 **Q.** Is there a response to that?

12 **A.** [Reading]: Need a point 5.

13 **Q.** I'm going to skip ahead to the next page and direct your
14 attention up here to the top.

15 Can you tell us what date these messages are on.

16 **A.** May 26th, 2016.

17 **Q.** And is the first message that I've highlighted, that's
18 highlighted a message to the phone?

19 **A.** Yes.

20 **Q.** And what's it say?

21 **A.** [Reading]: Can you do 1 and a half pizza for 135?

22 **Q.** And is there a response?

23 **A.** [Reading]: 140.

24 **Q.** Now, I want you to look down here at this next highlighted
25 portion.

~~ERBE - DIRECT~~

1 Are these messages from -- outgoing from the phone?

2 A. Yes.

3 Q. And are they to different numbers?

4 A. Yes.

5 Q. And can you tell us what the messages say.

6 A. Got -- the first three say [Reading]: Got something new.

7 And the fourth one says [Reading]: Got something real
8 good.

9 Oh, I'm sorry.

10 The first two say [reading]: Got something new.

11 The third one says [reading]: Got something good.

12 The fourth one says [reading]: Got something real good.

13 Q. Skipping ahead a little bit, and I want to focus your
14 attention here toward the bottom of the page.

15 Are we again seeing a string of outgoing messages from the
16 phone?

17 A. Yes.

18 Q. And what is the date of all of these messages?

19 A. June 2nd, 2016.

20 Q. And do the messages appear to be close in time?

21 A. Yes.

22 Q. And what are the messages?

23 A. [Reading]:

24 Yo, fire.

25 Yo, fire.

~~ERBE - DIRECT~~

1 Yo, fire.

2 Fire back.

3 Yo, fire back, holla at me.

4 Fire.

5 Yo, fire.

6 Fire back.

7 Fire.

8 Fire back.

9 **Q.** And do those messages appear to be to different phone
10 numbers?

11 **A.** Yes.

12 **Q.** So skipping ahead again to Page 26.

13 And looking here at the top of the page, first of all,
14 what date are these messages on?

15 **A.** June 3rd, 2016.

16 **Q.** And can you walk us through these highlighted messages.

17 **A.** Sure. The first says [reading]: You still got that --
18 you still got fire shit that you texted me yesterday saying you
19 had?

20 The response is [reading]: Yes.

21 [Reading]: Ite, how do you know it's some fire? What's
22 it look like?

23 [Reading]: Yo, it's fire.

24 [Reading]: People did it and told you it's fire? Just
25 really trying -- just really not trying to drive all the way

~~ERBE - DIRECT~~

1 down there and waste bread on shit if it's not good, know what
2 I mean, 'cause that's what's been happening, like, every time I
3 come down nowadays.

4 [Reading]: Money back if you don't like.

5 [Reading]: Can I try it first? Please, 'cause I don't
6 want to buy it, then not like it, not be able to get all my
7 bread back and all that shit and have to deal with all that.
8 If I can try it first to make sure I like it, then I want to
9 get 3 wholes, but I want to try it first to make sure I like it
10 and shit before I spend all that bread, know what I mean?

11 [Reading]: Yeah.

12 Q. Turning to the next page.

13 Can you tell us the date of these two messages.

14 A. June 5th, 2016.

15 Q. And is the first message a message to the phone?

16 A. Yes.

17 Q. And what does that message say?

18 A. [Reading]: Hey, I just got home and weighed that. It was
19 only 1.4. I just thought I'd say something because I never
20 have had a problem before. They all are usually dead on.

21 Q. And is there a response from the phone?

22 A. [Reading]: Thanks for telling me.

23 Q. And the message below that, what is the date of that
24 message?

25 A. June 6th, 2016.

~~ERBE - DIRECT~~

1 Q. And can you read -- is that a message from -- to the
2 phone?

3 A. Yes.

4 Q. Can you read that message.

5 A. [Reading]: Oh, okay. I just rode pass you. Jakey,
6 Melvin, and all you can't respond. It's cool, yo. You could
7 have just said stop hittin' ya phone. I can take that betta
8 than feel like I'm chasing. Say something shit.

9 Q. I'm going to jump ahead a couple more pages and direct
10 your attention to the bottom section here. Can you tell us the
11 date of these messages.

12 A. June 12th, 2016.

13 Q. And is the first message a message to the phone?

14 A. Yes.

15 Q. And what's it say?

16 A. [Reading]: You still got that yellowish-tannish rock shit
17 that kinda looked like rock candy? LOL.

18 Q. Is there a response?

19 A. [Reading]: Yeah. You don't like?

20 Q. And is there a response to that?

21 A. [Reading]: Na. I do like it. That's what I'm trying to
22 get. LOL. Can I get that, please.

23 Q. And on the next page, what are the date of the messages
24 here at the bottom?

25 A. June 17th, 2016.

~~ERBE - DIRECT~~

1 Q. And can you walk us through these messages.

2 A. [Reading]:

3 Yo, same brown stuff.

4 Good stuff. You didn't like the brown.

5 Nah, not really.

6 What color now?

7 Gray.

8 It's good.

9 Q. Skipping ahead a few pages here, can you tell us what date
10 we're looking at here in the middle of the page.

11 A. June 21st, 2016.

12 Q. And is there a message to the phone?

13 A. Yes.

14 Q. And what's that say?

15 A. [Reading]: Yo, you still have that gold?

16 Q. And do you see that the response is, "Yeah"?

17 Is there a response to that?

18 A. [Reading]: I need 3 half -- 3 half of a -- 3 half of
19 gold. Can you do that.

20 Q. And what's the response?

21 A. [Reading]: Yeah.

22 Q. I'm going to jump ahead a couple of pages here.

23 And looking here in the middle of the page, is the first
24 message a message from the phone?

25 A. Yes.

~~ERBE - DIRECT~~

1 Q. And what's it say?

2 A. [Reading]: Order up a 40-piece.

3 Q. And is there a response?

4 A. [Reading]: Ready.

5 Q. And is there a response from the phone to that?

6 A. [Reading]: Yeah.

7 Q. And turning to the next page, can you tell us the date of
8 this particular exchange.

9 A. July 11th, 2016.

10 Q. And is the first message a message to the phone?

11 A. Yes.

12 Q. And what's it say?

13 A. [Reading]: He left some 45s and 9-millimeter with coat
14 clip here. Come in -- come and get it, please.

15 Q. Is there a response?

16 A. [Reading]: All right.

17 Q. Is there another incoming messages?

18 A. Yes. [Reading]: Did you understand?

19 Q. And is there a response?

20 A. [Reading]: Shells.

21 Q. And is there a response to that?

22 A. [Reading]: Yes. When are you coming by?

23 Q. Now, I want to jump ahead a few more pages.

24 And do you see this exchange down here or these exchanges
25 down here at the bottom of the page?

~~ERBE~~ - ~~DIRECT~~

1 A. Yes.

2 Q. What are the dates for these exchanges?

3 A. The first is July 28th, 2016, and the responses are on
4 July 29th, 2016.

5 Q. Can you just tell us what phone number is communicating
6 with the phone.

7 A. (667) 228-4194.

8 Q. And I'm going to turn to the next page.

9 Can you tell us the date that we're looking at here.

10 A. August 7th, 2016.

11 Q. And are these two messages to the phone?

12 A. Yes.

13 Q. And what do they say?

14 A. [Reading]: 180 ggs and 2600.

15 Then the second says [Reading]: 3600 fool.

16 Q. And flipping over to the next page, is this an exchange
17 with the same number?

18 A. Yes.

19 Q. And what's the -- is the first message outgoing?

20 A. Yes.

21 Q. What's it say?

22 A. [Reading]: Yo yo.

23 Q. And what's the response?

24 A. [Reading]: 131 ggs and 1500 papers.

25 Q. I'll flip ahead a couple more pages.

1 **THE COURT:** I think we're going to need a break soon,
2 Ms. Perry.

3 **MS. PERRY:** Yes, Your Honor.

4 **THE COURT:** Are you getting close?

5 **MS. PERRY:** We can certainly stop now. I have a
6 little bit more to go.

7 **THE COURT:** Let's take the recess.

8 The jury will be excused first.

9 (Jury left the courtroom at 3:36 p.m.)

10 **THE COURT:** All right. And the witness can step down.

11 Thank you. Come back after the break.

12 Ms. Perry, this is getting awfully repetitive. If
13 there's anything that's not necessary, please think about it
14 over the break.

15 The gallery is excused.

16 All right. We'll take our recess.

17 (Recess taken.)

18 **THE COURT:** Okay. Ms. Hoffman?

19 **MS. HOFFMAN:** Yes, we are in a bit of a scheduling
20 conundrum, and I apologize greatly. But we are -- we believe
21 that Ms. Erbe is the last witness that we have for today. We
22 tried two of the witnesses who are slated for tomorrow. We
23 can't get them here in time.

24 The only thing we could think to do was scramble and
25 have the other case agent testify regarding the search warrant

1 at Mr. Bailey's residence. But we didn't notice him about
2 that, so the defense hasn't had an opportunity to review those
3 documents. They wouldn't want to cross him today,
4 understandably. And if he carries into tomorrow, I fear that
5 we would not get through everyone tomorrow.

6 So long story short, I think Ms. Perry has about
7 another ten minutes to go. And then I'm sure Mr. Trainor will
8 have some cross, and it looks like we're going to end early
9 today. I apologize. We didn't think we'd get through six
10 witnesses that quickly.

11 **THE COURT:** I'm sure everybody's devastated to learn
12 that we might have to stop a little bit early today.

13 **MR. DAVIS:** We'll have to hear more taped calls.

14 **THE COURT:** Thank you, Ms. Hoffman. I appreciate that
15 you did make an effort. Obviously, I prefer to use the entire
16 day, but that's fine. It sounds like it makes the most sense
17 to just stop at the end of this.

18 **MS. HOFFMAN:** Thank you.

19 **THE COURT:** All right. We'll get the jury and the
20 witness.

21 (Jury entered the courtroom at 4:02 p.m.)

22 **THE CLERK:** Special Agent, you're still under oath.

23 **THE WITNESS:** Yes, ma'am.

24 **THE COURT:** All right. If you want to continue,
25 Ms. Perry.

~~ERBE - DIRECT~~

MS. PERRY: Thank you.

BY MS. PERRY:

Q. And, Special Agent Erbe, I have just a couple more messages to go through with you.

We were, I believe, on Page 44 of Government's Exhibit CELL-11-A, and I want to direct your attention down here to the bottom.

Can you tell us the date of these particular messages.

A. August 19th, 2016.

Q. And are these three messages messages to this particular phone?

A. Yes.

Q. And can you read them for us.

A. [Reading]: Hey, brother, big bro just called. He said we can all have the meeting tonight at around 7 o'clock. He wants to call the studio on speakerphone and holla at us g. I told him, Yeah, I'm okay with that. Is you good with meeting up at 7 o'clock? If you can respond back to let me know.

Q. And is that continued over onto the next page?

A. Yes.

Q. And is the first message another message to the phone?

A. Yes.

Q. What's it say?

A. Can you make that a little bit bigger. I can't read the second word there.

~~ERBE~~ - ~~DIRECT~~

1 Q. Is that better?

2 A. [Reading]: What's mobbing, g? We at the studio now, bro.
3 How much longer you going to be?

4 Q. Is there a response from the phone?

5 A. [Reading]: In traffic, bro.

6 Q. And is there a response to the phone?

7 A. [Reading]: Okay. We waiting.

8 Q. And then a response from the phone after that?

9 A. [Reading]: 7 min.

10 Q. Okay. I just want to point your attention to this
11 particular message.

12 Can you tell us the date of that message.

13 A. August 21st, 2016.

14 Q. And is that an outgoing message?

15 A. Yes.

16 Q. And what's it say?

17 A. [Reading]: Fire back.

18 Q. And is there, in fact, a long string of messages that say
19 "fire back" --

20 A. Yes, ma'am.

21 Q. -- to different cell phones -- to different numbers on
22 that same date?

23 A. Yes, ma'am.

24 Q. I'm going to flip ahead a couple of pages and ask you
25 about this particular string of messages.

~~ERBE - DIRECT~~

1 First of all, what's the date?

2 **A.** August 25th, 2016.

3 **Q.** And can you walk us through these messages.

4 **A.** First is [Reading]:

5 Count dummy.

6 All right. I'm ready text you.

7 At least 4,000.

8 Small head said 20, almost 30 today, not count yesterday.

9 We should have at least 5, 6 thousand.

10 5 or 6.

11 82 ggs and 25 paper.

12 Not the right count, baby -- baby boy.

13 Call me ASAP 'cause that count not right.

14 I went in the other day with 1050. Every play you sent to
15 me wanted halves. You can call and ask them. I just added what
16 I got with the 650 small head said he had.

17 I got 15 for dot and 16 for Jim. Would have had more, but
18 I gave Kia 100, you 40, and I spent 40.

19 **Q.** And flipping to the next page, can you just read these
20 messages for us.

21 **A.** [Reading]:

22 What's good?

23 Still need 3 wholes.

24 Where you at?

25 Just pulled off Chelsea. It was getting hot.

~~ERBE~~ - ~~DIRECT~~

1 Q. I'm going to flip ahead a few pages.

2 And looking at the messages in the middle of the page, can
3 you tell us the date of these messages.

4 A. September 16th, 2016.

5 Q. And is this about 11 days before the search warrant was
6 executed?

7 A. Yes, ma'am.

8 Q. And can you walk us through these messages.

9 A. [Reading]:

10 I got 900.

11 2 and a half.

12 4 gg.

13 Lil head got none.

14 Altogether we should have like 13.

15 I had 10 and small head -- had -- and small had 2 and a
16 half.

17 I got 943. My bad.

18 Q. And, finally, I want to turn to the next page. And can
19 you tell us the date of these messages at the top.

20 A. September 19th, 2016.

21 Q. And is the first message a message to the phone?

22 A. Yes.

23 Q. And what's it say?

24 A. [Reading]: You got soft, babe?

25 Q. And what's the response?

~~ERBE - DIRECT~~

1 A. [Reading]: Girl.

2 Q. And what's the response to that?

3 A. [Reading]: Yeah, but not hard, babe.

4 Q. And what's the response from the phone to that?

5 A. [Reading]: Oz.

6 Q. And what's the response to that?

7 A. [Reading]: Do you, baby?

8 Q. And then the phone respond?

9 A. [Reading]: Yeah.

10 Q. And then can you read the next three messages after that.

11 A. [Reading]:

12 Okay. I need a dub of soft and a dub of hard and two and
13 a half boys.

14 Soft only come in ounce, baby.

15 Okay. Then I need two separate dubs of hard, one for me
16 and one for someone else, and then 2 and a half boys.

17 Q. Okay. So now I'm going to flip ahead. Do you see here
18 where the section says "Selected Notes"?

19 A. Yes, ma'am.

20 Q. And can you read us this note here at the bottom
21 (indicating).

22 A. [Reading]: Forest Heights niggas puttin' grams on your
23 block. 21 hits. 10 brooms. 10 [sic] mops.

24 Q. And turning to the next page, can you read us the first
25 two lines here (indicating).

~~ERBE - CROSS~~

1 **A.** [Reading]: I can teach you how to move a brick. I can
2 teach a killa how to shoot a stick.

3 **Q.** And then, finally, can you read this first line here
4 (indicating).

5 **A.** [Reading]: I be trappin' like a motherfucker. Free my
6 bro Spittle, Jock Roc, Smalls, and Gutta.

7 **Q.** Now, Agent Erbe, have you read every text message that's
8 included in this excerpt?

9 **A.** No.

10 **Q.** And did you review -- but did you review them before
11 coming to court today?

12 **A.** Yes.

13 **Q.** And are there similar text messages contained within
14 CELL-11-A?

15 **A.** Yes.

16 **Q.** And, again, did you have anything to do with selecting the
17 excerpts for CELL-11-A?

18 **A.** No, I did not.

19 **MS. PERRY:** I have no more questions for the witness.

20 **THE COURT:** All right. Thank you.

21 Mr. Trainor.

22 **MR. TRAINOR:** Thank you, Your Honor.

23 CROSS-EXAMINATION

24 **BY MR. TRAINOR:**

25 **Q.** Good afternoon, Agent Erbe.

~~ERBE - CROSS~~

1 A. Good afternoon.

2 Q. So you were on the search team that executed a
3 search warrant at 1868 Oxford Square Road on -- in the early
4 morning hours of July 27th, 2016; correct?

5 A. No. It was in September, sir.

6 Q. Excuse me. I can't read my own handwriting.

7 September 27th, 2016; correct?

8 A. Yes, sir.

9 Q. And you were part of the entry team that are the first
10 people to go through the front door; correct?

11 A. Yes, sir.

12 Q. And you went in early in the morning. Basically, it's
13 done that way to make sure people are still there; they haven't
14 gotten up and left the house.

15 A. Yes, sir.

16 Q. All right. And you often try to catch people asleep when
17 you go in so nothing could be moved.

18 A. It's also for safety, sir.

19 Q. For safety.

20 But, also, to make sure that nothing is -- you take the
21 least possibility that something will be disturbed in the
22 house?

23 A. Yes, sir.

24 Q. All right. So when you went in, then your role became to
25 be the photographer?

~~ERBE~~ - ~~CROSS~~

1 A. Yes, sir.

2 Q. All right. So you photographed every room in the house?

3 A. Yes, sir.

4 Q. And you photographed everything that was seized in the
5 house; correct?

6 A. Yes, sir.

7 Q. You photographed it where it was seized, and you were --
8 you were in a position to observe how the search took place;
9 correct?

10 A. Yes, sir.

11 Q. And it was thorough and complete?

12 A. Yes, sir.

13 Q. Really, the house from top to bottom?

14 A. Yes, sir.

15 Q. And what you found was approximately \$1500 in a pair of
16 man's pants with Jamal Lockley's identification in the pocket
17 as well --

18 A. Yes, sir.

19 Q. -- right?

20 You found some documents, like ownership documents on the
21 house or bills, that sort of thing, that ties people to that
22 address --

23 A. Yes, sir.

24 Q. -- correct?

25 And you found multiple cell phones, approximately four; am

~~ERBE - CROSS~~

1 I right?

2 A. I believe so.

3 Q. All right. And in the house, apparently Mr. Lockley lived
4 there?

5 A. Yes, sir.

6 Q. Along with other people --

7 A. Yes, sir.

8 Q. -- correct?

9 So the cell phone, Cell Number 11, I think you -- you read
10 from certain excerpts, I think, on Exhibit CELL-11-A?

11 A. Yes, sir.

12 Q. And you had -- you had no role in preparing that exhibit,
13 did you?

14 A. No, sir.

15 Q. And, in fact, Cell Number 11 is supposedly the cell phone
16 from which that summary CELL-11-A was made?

17 A. Yes, sir.

18 Q. Did you ever go through Cell Phone Number 11 and look at
19 the messages in that phone?

20 A. No, sir.

21 Q. So the only thing you really know about those excerpts is
22 what was written on the paper; you just read it?

23 A. Yes, sir.

24 Q. All right. I understand.

25 Now, you have no knowledge of who sent those messages that

~~ERBE~~ - ~~CROSS~~

1 are summarized, do you?

2 **A.** No, sir.

3 **Q.** And you have no knowledge of who received them or the
4 facts surrounding them, do you?

5 **A.** No, sir.

6 **Q.** All right. Now, the last things you read when Ms. Perry
7 asked you to read those words about teach you how to shoot a
8 stick or something like that, those are rap lyrics, aren't
9 they?

10 **A.** I'm not sure, sir. I just read what the note said.

11 **Q.** Yeah. So they handed you an exhibit, and you just read
12 it?

13 **A.** That's correct, sir.

14 **Q.** And you don't know anything about how that -- you had no
15 role or personal knowledge about how that information was
16 transferred to the exhibit; right?

17 **A.** No, sir.

18 **MR. TRAINOR:** Thank you.

19 **THE COURT:** Thank you, Mr. Trainor.

20 Mr. Hazlehurst.

21 **MR. HAZLEHURST:** Thank you, Your Honor.

22 CROSS-EXAMINATION

23 **BY MR. HAZLEHURST:**

24 **Q.** Good afternoon, Agent.

25 **A.** Hi. How are you?

~~ERBE~~ - ~~CROSS~~

1 Q. My name is Paul Hazlehurst. I represent Shakeen Davis.

2 Now, you were asked at great length many questions about
3 Government's Exhibit CELL-11-A; correct?

4 A. Yes, sir.

5 Q. Okay. And we've already established, I believe, that you
6 didn't prepare that exhibit, did you?

7 A. No, I did not.

8 Q. But today is not the first day that you've seen this
9 exhibit, is it?

10 A. The printout or the phone itself, sir?

11 Q. The printout.

12 A. I saw it this morning, sir.

13 Q. You saw it.

14 And you had a chance to review it before you came in here
15 to testify, didn't you?

16 A. Yes, I did.

17 Q. And you did review it, didn't you?

18 A. Yes, I did.

19 Q. And I assume you reviewed it at length because you knew
20 you were going to have to answer questions about it; correct?

21 A. Yes, sir.

22 Q. And it is a fairly lengthy document. It's 55 pages;
23 correct?

24 A. Yes, sir.

25 Q. Okay. And it covers, in terms of time, a fairly

~~ERBE - CROSS~~

1 significant period, from March 24th of 2016 to September 24th
2 of 2016; correct?

3 A. I'd have to look again at the date, sir. I can't remember
4 off the top of my head.

5 Q. So I'm going to show you what is the first page of -- tell
6 me when you can see that on your screen.

7 A. I can see it, sir.

8 Q. And you see the top of the page; correct?

9 A. Yes, sir.

10 Q. And the first line which would be numbered 5850; is that
11 correct?

12 A. Yes, sir.

13 Q. And the date and time for that is March 24th, 2016;
14 correct?

15 A. Yes, sir.

16 Q. Okay. Now, I'm going to show you what is Page 54 of this
17 exhibit. And tell me when you can see that on your screen.

18 A. I can see it, sir.

19 Q. And there is one line, number 117, that is above the
20 selected notes; correct?

21 A. I can't see that.

22 Q. There we go.

23 A. Yes, sir.

24 Q. It's a little magic act.

25 And the date and time for that call or that text is

~~ERBE~~ - ~~CROSS~~

1 September 24th, 2016; correct?

2 **A.** Yes, sir.

3 **Q.** So it's fair to say that the period of time that this
4 excerpt covers is at least from March 24th, 2016, to
5 September 24th, 2016; correct?

6 **A.** Yes, sir.

7 **Q.** Now, the first question you were asked about this exhibit
8 is the phone number that these text messages came from;
9 correct?

10 **A.** I was asked to read what the -- the highlighted at the
11 top, the numbers and the names, sir.

12 **Q.** And I'm going to again show you the first page of the
13 exhibit.

14 And, again, you were asked, at least at some point, to
15 identify the phone number that this telephone, this cell phone
16 was associated with; correct?

17 **A.** At the top there, sir? Yes.

18 **Q.** Yes.

19 **A.** (443) 709-7780.

20 **Q.** Exactly.

21 Now, you were then asked to look at the selected contacts
22 for the phone; correct?

23 **A.** Yes, sir.

24 **Q.** And the first one that you were asked about has the name
25 Cream; correct?

~~ERBE~~ - ~~CROSS~~

1 **A.** Yes, sir.

2 **Q.** Category, mobile. And then the value or telephone number
3 would be (240) 713-0332; correct?

4 **A.** Yes, sir.

5 **Q.** And, again, you reviewed this entire exhibit, didn't you?

6 **A.** Yes. I read the exhibit, sir.

7 **Q.** And there is no text, either sent from that number or
8 received from the (443) 709-7780 number that is reflected in
9 this excerpt, is there?

10 **A.** I don't know, sir.

11 **Q.** Okay. You reviewed the document.

12 **A.** I did, sir. There's a lot of phone numbers on there, so I
13 could flip through each page and look for you, but I don't know
14 off the top of my head.

15 **Q.** Agent, I'm not sure any other way if you haven't reviewed
16 it that I can get to the point that I'm trying to get to, that
17 there is no text from that number or sent by that number.

18 **MR. HAZLEHURST:** So I'm going to -- if I may,
19 Your Honor, if I may approach?

20 **THE COURT:** Talk to counsel.

21 (Counsel conferred.)

22 **MR. HAZLEHURST:** Your Honor, I believe that the
23 Government is willing to stipulate that there is no
24 text message that either was received by the phone in question
25 here or sent -- or basically sent to the number associated with

~~ERBE - CROSS~~

1 the name Cream, (240) 713-0332 that is reflected in this
2 excerpt.

3 **THE COURT:** Okay. Thank you.

4 **MR. HAZLEHURST:** And I would have no further
5 questions, Your Honor.

6 **THE COURT:** All right.

7 **MR. HAZLEHURST:** Thank you.

8 **THE COURT:** Anyone else?

9 (No response.)

10 **THE COURT:** Okay. Any redirect?

11 **MS. PERRY:** No, Your Honor. Thank you.

12 **THE COURT:** Okay. Thank you very much.

13 **THE WITNESS:** Thank you.

14 **THE COURT:** You're excused.

15 (Witness excused.)

16 **THE COURT:** So, ladies and gentlemen, we have
17 apparently moved a little faster than anticipated today. And
18 so we've run out of witnesses, is the bottom line at the
19 moment. So I'm going to be excusing you a little bit early.

20 I do expect we'll have a full day tomorrow.

21 So if you would, please, leave your notes here. Keep
22 an open mind. Don't talk about the case. And you're excused
23 for today. We'll see you at 10 o'clock tomorrow, and then
24 you're not sitting on Friday.

25 We'll see you at 10 o'clock tomorrow.

1 Thank you very much.

2 (Jury excused at 4:20 p.m.)

3 **THE COURT:** All right. Any issues anybody wants to
4 anticipate for tomorrow?

5 **MS. HOFFMAN:** I can't think of any.

6 **THE COURT:** All right. We'll adjourn and I'll see you
7 at 10 o'clock.

8 The gallery is excused first.

9 **MS. AMATO:** Your Honor, one thing. I just wanted to
10 determine whether tomorrow Your Honor might have a chance to
11 speak with Judge Russell, I guess, to determine if there is any
12 word. I know. I know. I'll do my best.

13 **THE COURT:** I don't know. I don't know if he's in the
14 office today or not. I will e-mail him. Sorry.

15 **MS. AMATO:** I appreciate it.

16 **THE COURT:** I just don't know. I'm still hopeful that
17 we'll have Thursday.

18 Okay. We'll adjourn until tomorrow at 10:00.

19 (Court adjourned at 4:22 p.m.)
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21
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I, Douglas J. Zweizig, RDR, CRR, do hereby certify that the foregoing is a correct transcript from the stenographic record of proceedings in the above-entitled matter.

/s/

Douglas J. Zweizig, RDR, CRR, FCRR
Registered Diplomate Reporter
Certified Realtime Reporter
Federal Official Court Reporter
DATE: November 13, 2019

Douglas J. Zweizig, RDR, CRR - Federal Official Court Reporter

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